

Closed Caption Log, Council Meeting, 02/09/06

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at (512) 974-2210.

Mayor Wynn: IT'S MY HONOR TO WELCOME THE PASTOR FROM HYDE PARK BAPTIST CHURCH TO LEAD US IN OUR INVOCATION, RISE.

ETERNAL FATHER, LET OUR FIRST THOUGHTINGS TODAY BE OF YOU, OUR FIRST RESPONSIBILITY IS TO INVOKE YOUR BLESSING ON THE WORK OF OUR MAYOR AND CITY COUNCIL AND THE BUSINESS ON THEIR AGENDA TODAY. LORD, OUR CITIZENS HAVE JUDGED THESE 7 MEMBERS OF THE COUNCIL WILLING AND WORTHY TO REPRESENT US. WE ACKNOWLEDGE THAT PUBLIC SERVICE CAN BE A DIFFICULT AND THANKLESS ASSIGNMENT. SO I WANT TO PRAY FOR YOUR BLESSING ON THEM TODAY AS INDIVIDUALS BY NAME. I PRAY FOR COUNCILMEMBER RAUL ALVAREZ. I PRAY FOR COUNCILMEMBER BETTY DUNKERLY. I PRAY FOR COUNCILMEMBER JENNIFER KIM. I PRAY FOR COUNCILMEMBER LEE LEFFINGWELL. I PRAY FOR COUNCILMEMBER McCRACKEN. I PRAY FOR MAYOR PRO TEM, DANNY THOMAS. I PRAYER FOR MAYOR WILL WYNN. LORD, IF THEY DID ALL THAT WE DEMAND AND EXPECT, THEY WOULD SCARCELY EVER GO HOME AN BE WITH THEIR FAMILY, BE A REFUGE TODAY FOR THOSE NEAR AND DEAR TO THEM, THEIR LOVED ONES, I PRAISE YOU TO BLESS THOSE WHO ASSIST THEM AND ADVISE THEM, THEIR STAFFS WHO WORK BEHIND THE SCENES, CITY MANAGER TOBY FUTRELL AND HER STAFF AND ALL THE EMPLOYEES WHO WORK HARD TO PROVIDE THE SERVICES THAT WE DEPEND ON EVERY DAY. BLESS THE CITIZENS WHO VOLUNTEER TO

SERVE ON THE BOARDS AND COMMISSIONS. BLESS GAIL CHAVEZ AND THE CITY CLERK'S OFFICE WHO INVITED ME HERE TODAY. LORD, THEY ARE ALL DOING YOUR WORK. AS THEY SERVE OUR CITIZENS EVEN THE LEAST OF US, THEY SERVE YOU. THANK YOU FOR EACH ONE OF THEM. LORD, SURROUND THE MAYOR AND THE MEMBERS OF THE COUNCIL WITH LOYAL AND CAPABLE ADVISORS, ENABLE THEM TODAY TO BE FAITHFUL AND DILIGENT IN THE BUSINESS THAT COMES. GRANT THEM EXTRA PATIENCE WHEN STRESS COMES. LORD, THE TRUTH IS WE'RE QUICK TO CRITICIZE AND COMPLAIN ABOUT THE DECISIONS WE DISAGREE WITH. WE'RE SLOW TO EXPRESS GRATITUDE FOR ALL THEY DO AND ALL THEY SACRIFICE TO MAKE OUR CITY A GREAT PLACE TO LIVE AND WORK AND PLAY AND WORSHIP. MAY THOSE WHO APPROACH THE MICROPHONE TO ADDRESS THE COUNCIL TODAY BE RESPECTFUL AND TRUTHFUL IN SPEECH. GIVE OUR CITY COUNCIL WISDOM AS THEY DELIBERATE ANYTHING THAT MAY BE DOUBTFUL OR UNCLEAR. GIVE THEM STRENGTH EQUAL TO THE DEMANDS PLACED UPON THEM. GIVE THEM MOMENTS OF YOUR PEACE AND JOY THROUGHOUT THE DAY. HELP THEM TO LEAVE NO DUTY NEGLECTED. NO WRONG UNCHALLENGED. LORD, SOME STANDING HERE TODAY MAY BE IN SORROW. COMFORT THEM. SOME HERE TODAY BEAR THE BURDENS OF OTHERS. SUSTAIN THEM. SOME WHO SERVE OUR CITY ARE EXPOSED TO DANGER EVERY DAY. PROTECT THEM. THANK YOU THAT YOU VALUE AND WATCH ALL THAT GOES ON HERE. MAY THE MEMBERS OF THE COUNCIL AND EVERYONE PRESENT BE ESPECIALLY CONSCIOUS OF YOUR PRESENCE TODAY THROUGHOUT THE DAY, AND WHEN THE DAY IS DONE, GRANT THESE, YOUR SERVANTS, A SATISFYING SENSE OF YOUR REALITY AND POWER, AND LOVE. KEEP THEM SAFE IN BODY AND SOUL THROUGH JESUS CHRIST, OUR LORD. AMEN.

Mayor Wynn: THANK YOU, DR. PROCTOR. THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL TO ORDER THE MEETING OF THIS CITY COUNCIL. WE'RE IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, APPROXIMATELY 10:15 A.M., IN HONOR OF SARAH HARTLY'S LAST WEEK AS AGENDA MANAGER, WE HAVE NO CHANGES AND CORRECTIONS TO REPORT. THE FIRST TIME I THINK I'VE

EVER REMEMBER THAT HAPPENING. SO OUR TIME CERTAIN ITEMS TODAY, AT 12-BG WE HAVE OUR GENERAL SCEN COMMUNICATION, AT 1 O'CLOCK WE WILL HAVE A BOND BRIEFING FROM THE CITY MANAGER'S OFFICE AND THAT IS CONTINUING OUR DEBATE ABOUT THE SIZE, SCOPE AND TIMING OF AN UPCOMING BOND ELECTION. AT 2 O'CLOCK WE WILL HAVE TWO BRIEFINGS FROM AUSTIN ENERGY INCLUDING THEIR YEAR-END FINANCIAL REPORT AS WELL AS THE PROCEDURES AND PROCESS ON THEIR CURRENT TREE TRIMMING PROGRAM. 4 O'CLOCK WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANT, THOSE SHOW TODAY AS ITEMS 31 THROUGH 34. AND PUBLIC ZONING HEARING CASES. WE'LL NOTE NOW THAT STAFF WILL BE REQUESTING ITEM 31 BE POSTPONED TO MARCH 2, 2006. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATION, AT 6 O'CLOCK WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS, THREE ITEMS -- ITEM NUMBER 35 PROBABLY HAS THE MOST PUBLIC INTEREST AND THAT IS THE DEVELOPMENT STANDARD AFTER REGARDING SINGLE FAMILY HOMES WHAT SOME FOLKS CALL THE McMANSION ISSUE, ITEM 35 THAT WILL BE TAKEN UP AFTER 6 O'CLOCK P.M. TODAY. SO WE HAVE TWO ITEMS PULLED OFF THE CONSENT AGENDA, COUNCIL, ITEM 4 IS PULLED AS IT RELATES TO OUR 1 O'CLOCK BREEFG SO WE'LL TAKE UP THAT DISCUSSION AFTER OUR BRIEFING, AND THEN ITEM 19 RELATED TO AUSTIN NERJ'S 'S -- ENERGY'S TREE TRIMMING PROGRAM ALSO HAS BEEN PULLED DUE TO THE 2 O'CLOCK BRIEFING FROM AUSTIN ENERGY. SO TWO ITEMS PULLED OFF THE CONSENT AGENDA DUE TO BRIEFINGS LATER IN THE DAY. OTHER ITEMS TO BE PULLED, COUNCILMEMBER ALVAREZ?

YES, MAYOR, I WAS WONDERING IF WE COULD PULL NUMBER 3 FOR A BRIEF PRESENTATION AND DISCUSSION. THAT'S SOME AMENDMENTS TO OUR ELECTION CODE, SO I THINK IT WOULD BE GOOD FOR US TO -- TO MAKE SURE THAT THE PUBLIC KNOWS HOW WE'RE AMENDING THE CODE AND HOW THAT MIGHT AFFECT AND HOW WE HANDLE ELECTION-RELATED ISSUES.

Mayor Wynn: GOOD SUGGESTIONS. MR. BROWN, PLEASE SHOW ITEM NUMBER 3 PULLED OFF THE CONSENTS AGENDA. WE LIKELY CAN TAKE THAT UP AFTER WE APPROVE

THE AGENDA.

ON ITEM NUMBER 4 WITH RESPECT TO THE DETERMINING DISCUSSION ON THE BOND ELECTION CALENDAR, IT'S OUR REQUEST THAT IF YOU MAKE A DECISION AFTER THE CONSENT AGENDA TO HAVE IT IN NOVEMBER, WE WOULD POSTPONE THE 1 O'CLOCK BRIEFING TO A LATER DATE. IF YOU WANT TO MAKE IT IN MAY, THEN WE'LL HAVE A DISCUSSION AT 1 O'CLOCK. IF THAT'S YOUR INTEREST.

Mayor Wynn: WELL, I THINK THE WILL OF THE COUNCIL IS TO HAVE THE DISCUSSION AT 1 O'CLOCK SO WE CAN HAVE THE PUBLIC DEBATE ABOUT THE TIMING, SCOPE AND SCALE. THANK YOU.

OKAY.

Mayor Wynn: SO AGAIN, ITEMS NUMBER 3, 4 AND 9 WILL BE OFF THE CONSENT AGENDA. FURTHER ITEMS TO BE PULLED? HEARING NONE, THEN I'LL READ THE CONSENT AGENDA THIS MORNING NUMERICALLY. IT WILL INCLUDE ITEMS 1, 2, 5, 6, 7, 8, 9, AND NOTE THAT 8 AND 9 ARE RELATED ITEMS. ITEM 10 10, 11, 12, 13, 14, 15, 16, ITEM NUMBER 17, TECHNICALLY WILL BE WITHDRAWN AS THERE ARE NO BOARD AND COMMISSION APPOINTMENTS THIS WEEK, ALSO IN HONOR OF SARAH'S WORK. CONTINUING WITH THE CONSENT AGENDA: ITEM 18, 20, 21, 22, 23, 24, AND 25, NOTING THAT ITEMS 23 AND 24 ARE RELATED. THAT'S OUR CONSENT AGENDA THIS MORNING. I'LL ENTERTAIN A MOTION.

Alvarez: I MOVE APPROVAL, MAYOR WINN WIN MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER ALVAREZ?

Alvarez: I KNOW ITEM 20 IS THE CENTRAL LIBRARY ITEM, I DON'T KNOW IF THE SPONSORS WANT TO TALK A LITTLE BIT ABOUT WHAT THIS PARTICULAR ACTION IS AND HOW IT PERTAINS TO THE GREEN WATER REDEVELOPMENT AS WELL AS, YOU KNOW, THE CENTRAL LIBRARY AS WELL.

Mayor Wynn: SO FOR ONE OF THE SPONSORS TO DISCUSS

BRIEFLY ITEM NUMBER 20 WHICH IS THE DESIGNATION OF A PART OF THE ANTICIPATED CLOSE GREEN WATER TREATMENT PLANT TO BE INCLUDED AS A NEW CENTRAL LIBRARY LOCATION. COUNCILMEMBER McCracken.

McCracken: DO WE HAVE SPEAK

McCracken: Do we have speak ON THIS ITEM, I KNOW SOME FOLKS ARE HERE, I DON'T KNOW IF THEY DECIDED TO SPEAK OR NOT, OR IF THEY'RE JUST OBSERVERS.

Mayor Wynn: NO ONE HAS SIGNED UP TO SPEAK, WE CERTAINLY COULD --

McCracken: ONE OF THE THINGS AT LEAST FROM MY PERSPECTIVE AS ONE OF THE COSPONSORS FOR COUNCILMEMBER DUNKERLY'S ITEM AND MINE AND COUNCILMEMBER LEFFINGWELL'S, IS THAT WE HAVE AN OPPORTUNITY THROUGH THE BOND PROCESS AND ALSO THROUGH THIS ACTION TODAY TO DESIGNATE FOR A NEW CENTRAL LIBRARY WHICH WE -- I THAT WE HEARD GOOD TESTIMONY THE LAST YEARS, WE REALLY DO NEED I THE CURRENT LIBRARY IS INSUFFICIENT IN CAPACITY TO MEET THE SYSTEM DEMANDS, A WHEEL AND SPOKE SYSTEM, FROM AND YOU ARE BAN PLANNING STANDPOINT, I BELIEVE THIS IS THE BEST LOCATION, WE'LL HAVE TWO BOOK ENDS AT THE MAJOR CIVIC BUILDINGS ON EACH END OF THE STREET, THE CONVENTION CENTER, WITH GREEN, THE GREEN SIGHT IS LARGE ENOUGH FOR FOUR BLOCKS OF GOVERNMENT TO ME IT MAKES SENSE THAT THE LIBRARY WILL BE THE BASE BUILDING OF A LARGER BUILDING SO THE BUILDING WOULD TAX REVENUE THAT WOULD HELP THEN OFFSET THE OPERATING COST. AS WE MOVE FORWARD THE R.F.P. LATER THIS YEAR AND IN THE BOND PACK PACKAGE, I BELIEVE IT WAS IMPORTANT THAT WE DESIGNATE THE SITE NOW.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: THE NEW LIBRARY SITE FOR ME AT LEAST IS A DREAM COME TRUE, IT'S SOMETHING THAT I'VE HOPED FOR FOR MANY YEARS, EVEN WHEN I WAS A CITY STAFF PERSON AND THE LIBRARY WAS ONE OF THE DEPARTMENTS THAT I

WORKED VERY CLOSELY WITH, SO I'M VERY MUCH SUPPORTIVE OF THIS AND HOPE THAT -- THAT THIS WILL ALSO INSPIRE THE COMMUNITY TO GET BEHIND THE NEW LIBRARY, AND -- AND MAKE THEIR CONTRIBUTIONS AND LET'S EVENTUALLY HAVE THE BEST PUBLIC LIBRARY IN THE WHOLE WORLD. THANKS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: VERY MUCH SUPPORT THE. [NO AUDIO AVAILABLE]

BROKE YOUR MIKE NOW.

Mayor Wynn: THANK YOU, MARK. OKAY. AGAIN.

Leffingwell: I THINK THIS IS AN IDEAL LOCATION FOR THE CENTRAL LIBRARY, IT WILL MEAN THE MIDDLE OF A BIG PUBLIC COMPLEX, AND I KNOW THAT THERE'S BEEN A -- I'M ALSO SUPPORTIVE OF THE LIBRARY AS WELL, PERIOD, BUT THERE'S BEEN A LOT OF PUBLIC CONCERN ABOUT WHAT IS GOING TO HAPPEN TO GREEN WHEN AND IF IT'S CLOSED AND THAT CONCERN I THINK CENTERS ABOUT ITS USE FOR A PUBLIC PURPOSE AND I THINK THIS WILL SERVE TO ASSURE EVERYONE THAT THERE WILL BE A PUBLIC COMPONENT TO THE GREEN WATER TREATMENT PLANT SO I VERY MUCH SUPPORT IT.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I THINK, YOU KNOW, WE'VE BEEN DISCUSSING THIS AS A POTENTIAL SITE FOR THE LIBRARY AND I THINK THAT IDEA HAS BEEN WELL RECEIVED BY THE COUNCIL AND I'M VERY SUPPORTIVE OF HAVING THAT SERVE AS THE WESTERN SORT OF ANCHOR OF THIS SECOND STREET DISTRICT, YOU KNOW W. KNOW, WITH THE CONVENTION CENTER ON ONE END, ALTHOUGH I GUESS IT MAY NOT END UP BEING THE TERMINUS OF THE DISTRICT, SO ALL OF THAT WILL HAVE TO BE FIGURED OUT IN TERMS OF PLANNING AND HOW TO MAKE SURE THERE'S A, YOU KNOW, GOOD ACCESS TO SEAHOLM AND THAT AREA THAT IS GOING TO REDEVELOP THERE IN THE GAIBLS AND LUMBERMAN'S DEVELOPMENT AND A LOT OF EXCITING THINGS THAT ARE HAPPENING ON THAT END AS WELL AS AT

GREEN IN AND OF ITSELF. I THINK IT'S EXCITING ESPECIALLY IT'S IMPORTANT FOR US TO CLARIFY WHERE WE WOULD LIKE FOR THIS FACILITY TO BE LOCATED IF WE'RE GOING TO POTENTIALLY INCLUDE A PRETTY SIGNIFICANT BOND PROPOSITION ON THIS, AND SO I THINK IT'S REALLY IMPORTANT TIME FOR US TO DO THIS AND I'M AGAIN VERY SUPPORTIVE OF THIS PARTICULAR ACTION. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO WE HAVE -- MAYOR PRO TEM?

Thomas: THANK YOU, MAYOR. I GO ALONG WITH THE REST OF MY COHORT, IT'S DEFINITELY AN EXCELLENT SPOT FOR THE LIBRARY AND WE KNOW THAT THE LIBRARY ADVOCATES HAVE LET US KNOW WE DO NEED ANOTHER CENTRAL LIBRARY, BUT IT'S ALSO IMPORTANT THAT WE MAKE SURE THAT WE HAVE ADEQUATE ENOUGH MONEY ON THE BONDS TO MAKE SURE HELP THIS PROJECT GO FORWARD. BUT I DO HAVE TO SAY ABOUT THE GREEN WATER PLANT ONE THING I WASN'T TOO SUPPORTIVE OF IT BEING CLOSED AND WHERE IT'S GOING TO BE RELOCATED AND I STILL HAVE CONCERNS WHERE WE'RE GOING TO LOCATE IT, BUT I THINK WE'RE WORKING HARD TO MAKE SURE WHEREVER IT'S LOCATED WOULD BE COMPATIBLE TO THE NEIGHBORHOOD AND BE A POSITIVE SITUATION FOR THE NEIGHBORHOOD, BUT I'M VERY SUPPORTIVE OF THE LOCATION THAT WE'RE TRYING TO PUT THE LIBRARY. THANK YOU.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA, WE DO HAVE ONE SPEAKER ON ITEM NUMBER 18, JODI FREEDMAN, WOULD LIKE TO ADDRESS US, IS MISS FREEDMAN HERE? WELCOME, JODI, YOU WILL HAVE THREE MINUTES. >>[INAUDIBLE]

Mayor Wynn: OKAY.

GOOD MORNING. MY NAME IS JODI FREEDMAN AND I'M HERE REPRESENTING THE AUSTIN JEWISH ACADEMY AND OUR ANNUAL BAGEL FEST 5 K TO BE HELD ON MARCH 5th. I WOULD LIKE TO THANK OUR MAYOR AND CITY COUNCIL AND SPECIFICALLY COUNCILMEMBERS ALVAREZ, DUNKERLY AND

McCRACKEN FOR THEIR WILLINGNESS TO COSPONSOR THE FEE WAIVERS FOR OUR EVENT. I WOULD LIKE TO BRIEFLY MENTION THE BAGEL FEST BENEFITS TWO WORTHY CHARITIES, AUSTIN'S JEWISH ACADEMY AND AUSTIN HEART FOUNDATION AND WE ARE PLEASED TO ANNOUNCE THAT OUR RACE HAS BEEN NOMINATED BY AUSTIN RUNNER'S CHOICE AWARDS FOR BEST RACE UNDER 10 K AND BEST T-SHIRT. NOT BAD FOR A RACE ONLY FIVE YEARS OLD. WE ARE PROUD TO SUPPORT THE MAYOR'S INITIATIVE TO HELP MAKE AUSTIN THE FITTEST CITY IN THE COUNTRY. I WOULD LIKE ALL OF YOU -- I WOULD LIKE TO INVITE ALL OF YOU TO ATTEND THE FESTIVITIES ON MARCH 5th. WE EXPECT OVER A THOUSAND RUNNERS AND LOTS OF BAGELS. THANK YOU.

Mayor Wynn: THANK YOU, A GREAT MOTION, GREAT CAUSE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCILMEMBER ALVAREZ DID HAVE A GOOD SUGGESTION THAT WE TAKE UP A LITTLE MORE PUBLIC DISCUSSION ABOUT ITEM NUMBER 3, THERE'S -- I DON'T THINK THERE'S ANY CONTROVERSY RELATED TO IT BUT IT MIGHT HELP TO HAVE A MORE AWARENESS MADE OF THE ISSUE. SO WITH THAT, WELCOME MISS SHIRLEY BROWN.

COUNCILMEMBER, I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU HAVE. FROM MY PERSPECTIVE THIS WAS A MATTER OF DOING SOME CODE CLEANUP SO IT MORE ACCURATELY REFLECTED WHAT WE REALLY DO IN OUR OFFICE AND WHAT I FELT WE HAD THE -- REALLY THE EXPERTISE TO DO PARTICULARLY AS IT PERTAINED TO SERVING AS AN BOOTHMENT. I'LL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

THE TWO MAIN CHANGES, THE FIRST REFLECT THE REPORTING OF THE BALANCE OF THE FAIR CAMPAIGN FUND, THAT IS NOT THE OFFICIAL NAME BUT I THINK THAT IS HOW MOST PEOPLE REFER TO IT, SO I THINK THE CODE DESIGNATED THAT, YOU KNOW, THE AMOUNT IN THAT FUND WOULD BE CERTIFIED AND PRESENTED TO COUNCIL ON SPECIFIC DATES OR SEVERAL TIMES A YEAR.

TWO DIFFERENT -- YES, SEVERAL TIMES, THAT DIDN'T SEEM

TO BE THE AUDIENCE WHO WANTED TO KNOW THAT. THE PEOPLE WHO REALLY WANT TO KNOW IT ARE PEOPLE WHO ARE CONSIDERING RUNNING FOR OFFICE, YOU KNOW, THE CANDIDATE, SO WE OFTEN TIMES PROVIDE THAT INFORMATION ON REQUEST. IT JUST SEEMED TO BE A BETTER SERVICE TO THOSE PEOPLE WHO REALLY WANTED TO KNOW IT, JUST GIVE IT TO THEM ANY TIME THEY WANTED IT ON REQUEST.

AND IS THAT SOMETHING THAT IS READILY USED --

IT'S AVAILABLE WITHIN A FEW HOURS. WE HAVE TO TAKE TO THE COMPTROLLER'S OFFICE AND GET THE EXACT AMOUNT BUT WITHIN HOURS WE'RE REQUIRED TO.

Alvarez: OKAY. BECAUSE THE ONLY THING I NOTED ON THERE IS BEFORE IT SAYS CITY CLERK SHALL CERTIFY TO COUNCIL AND THE ETHICS REVIEW COMMISSION THE BALANCE, I SUPPOSE, AND THEN THE NEW LANGUAGE SAYS IT WILL JUST STATE, YOU KNOW, THE AVAILABLE BALANCE I GUESS UPON REQUEST, AND SO IS THERE -- DOES CERTIFICATION HAVE ANY PARTICULAR MEANING IN THIS CASE? I MEAN I DIDN'T THINK SO BUT --

THAT'S WHAT SEEMS KIND OF OUT OF CONTEXT FOR US, IT WAS LIKE IT DIDN'T ADD ANY VALUE AND IT WAS THE WRONG AUDIENCE THAT WANTS THE INFORMATION, SO WE WERE JUST GOING TO TRY TO CLEANUP THE CODE SO IT MORE ACCURATELY REFLECTS WHAT WE DO DO AND WE DO PROVIDE THAT INFORMATION ON REQUEST A LOT OF TIMES.

WELL, THANK YOU FOR JUST CLARIFYING THAT AND MAKE SURE -- I WAS JUST TRYING TO MAKE SURE IN TERMS OF DELETING THE WORD CERTIFYING THAT WE WEREN'T REMOVING SOME TYPE OF CONTROL OR MEASURES OF ACCOUNTABILITY OR ANYTHING LIKE THAT.

DOESN'T HAVE ANY VALUE, WE'RE GOING TO GIVE IT TO YOU WHENEVER YOU WANT IT.

Alvarez: WE CAN STILL REQUEST IT AS WELL AS ANYBODY.

ABSOLUTELY.

Alvarez: THEN THE OTHER CHANGE AT LEAST, YOU KNOW, TO THE CURRENT -- TO THE CURRENT LANGUAGE IN THE CODE IS -- HAS TO DO WITH PROCESS FOR HANDLING COMPLAINTS, IS THAT CORRECT? AND IT REMOVES A SECTION THAT -- THAT REFERENCES AN SOME OMBUDSMAN FOR THE SAKE OF COMPLAINT RELATED ISSUES, SO CAN YOU TALK A LITTLE BIT ABOUT THAT AND, YOU KNOW, WHY I GUESS WE ACTUALLY NEVER HAVE APPOINTED AN OMBUDSMAN, I THINK THE CODE DOES SAY OMBUDSMAN, BUT CAN YOU TALK ABOUT THAT A LITTLE BIT AND THEN SORT OF WHAT --

THAT WAS EXACTLY --

Alvarez: -- WHAT CHANGE THIS MIGHT WITH COMPLAINT WES RECEIVE FROM THE PUBLIC WITH --

THAT WAS THE REASON WHY I REQUESTED THE ETHICS COMMISSION CONSIDER MAKING THAT CHANGE IS BECAUSE WE HAVE NEVER APPOINTED ANYBODY IN THAT CAPACITY AND IT RAISED EXPECTATIONS FOR PEOPLE THAT WE COULD SERVE IN THAT CAPACITY, AND THE REALITY IS THEY'RE QUICKLY INTO LEGAL AREAS THAT WE ARE NOT QUALIFIED TO RESPOND TO. AND SO I FELT BADLY THAT THEY WOULD COME TO OUR OFFICE EXPECTING A LEVEL OF SERVICE THAT WE COULDN'T PROVIDE. SO THIS SIMPLY SAYS WE'LL GIVE YOU THE FORMS, WE'LL GIVE YOU THE INFORMATION FROM THE ETHICS COMMISSION, BUT WE CAN'T SERVE IN THAT CAPACITY FOR YOU.

BUT DO WE HAVE A, YOU KNOW, SPECIFIED PROCEDURE, YOU KNOW, FOR FILING COMPLAINTS AND THEN SUBSEQUENT, YOU KNOW, TO THE FILING OF A COMPLAINT FOR THE PROCESSING OF THAT COMPLAINT OR A RESPONSE TO A COMPLAINT?

WE REFERRED ANYBODY THAT CAME TO OUR OFFICE WHO WANTED ANYTHING OTHER THAN THE FORM TO THE LAW DEPARTMENT BECAUSE YOU QUICKLY ENTER INTO WITH THE STATE ETHICS COMMISSION, WITH THE LOCAL, WHO HAS JURISDICTION, WHERE SHOULD THEY FILE AND THOSE ARE

LEGAL DECISIONS THAT WE WERE JUST NOT QUALIFIED TO MAKE.

Alvarez: SURE. AND IS THAT SOMETHING THAT, YOU KNOW, A MEMBER OF THE PUBLIC THAT EITHER CALLS OR VISITS THE CITY CLERK'S OFFICE CAN -- CAN GET JUST BY TALKING TO THE RECEPTIONIST OR DO THEY ACTUALLY GET REFERRED TO SOMEONE WITH REGARD TO COMPLAINTS OR...

THEY CAN GET THE FORM FROM US AND THEY CAN GET THE INFORMATION THAT THE ETHICS COMMISSION HAS PREPARED, BUT ANYTHING BEYOND THAT, WE WOULD REFER THEM TO THE LAW DEPARTMENT.

Alvarez: BUT IT LOOKS LIKE, I MEAN THE CLERK, YOU KNOW, SERVES THE -- HAS THE ENTRYWAY, YOU KNOW, TO THE COMPLAINT PROCESS, AND I JUST WANTED TO SEE IF YOU COULD EXPLAIN HOW THEY GO ABOUT DOING THAT.

WHEN A COMPLAINT IS FILED, WE ACCEPT IT. DATE STAMP IT AND IMMEDIATELY DELIVER IT TO THE LAW DEPARTMENT WHO THEN DECIDES HAVE THEY FILED WITH THE RIGHT JURISDICTION, SHOULD THEY GO SOMEWHERE ELSE YOU KNOW, SHOULD THEY REALLY BE TALKING TO THE STATE OFFICIALS VERSUS LOCAL VISUALS, JENNY GILCHRIST IS HERE AND CAN PROBABLY TALK TO YOU MORE ABOUT THE LEGAL PROCESS OF IT.

Alvarez: GO AHEAD.

I DON'T HAVE TO IF YOU DON'T WANT ME TO.

Alvarez: I WAS MORE INTERESTED IN HOW THE PUBLIC INTERFACES WITH THE OFFICE, YOU KNOW, ON TERMS OF COMPLAINTS, BECAUSE OBVIOUSLY ONCE IT'S OUT OF THEIR OFFICE, THEN THE LAW DEPARTMENT, YOU KNOW, WILL MAKE ITS DETERMINATION, BUT IF YOU COULD DISCUSS, YOU KNOW, YOUR ROLE IN THAT, BE HELPFUL.

JENNY GILCHRIST WITH THE LAW DEPARTMENT. ONCE THE COMPLAINT HAS BEEN FILED WITH THE CLERK'S OFFICE IT'S DELIVERED UP TO THE LAW DEPARTMENT AND WE REPRESENT AND SUPPORT THE ETHICS REVIEW

COMMISSION, SO WE'LL LOOK AT IT AND THEN ADVISE THE COMMISSION ON WHETHER OR NOT WE THINK THEY HAVE JURISDICTION. ONCE THEY DECIDE WHETHER OR NOT THEY THINK THEY HAVE JURISDICTION, WE'LL THEN NOTIFY THE COMPLAINANT EITHER THAT THE COMPLAINT HAS BEEN PROCESSED AND THAT HEARINGS WILL BE SCHEDULED OR THAT THERE IS NO JURISDICTION. IF WE THINK THE STATE ETHICS COMMISSION IS -- DOES HAVE JURISDICTION, WE OFTEN TELL THEM THAT. IF IT'S JUST BEEN FILED IN THE WRONG PLACE.

AND THEY WOULD HAVE TO FILE THEIR COMPLAINT WITH THAT.

RIGHT.

Alvarez: WE WOULDN'T FORWARD IT ALONG.

WE CAN'T DO, THAT WE DON'T HAVE THE AUTHORITY TO DO THAT.

Alvarez: RIGHT. BUT IT IS THE ETHICS COMMISSION THAT HAS A RIGHT TO MAKE DETERMINATIONS ON SOME OF THESE ETHICS OR LEGIONS-RELATED ISSUES.

IT ABSOLUTELY IS. THE LAW DEPARTMENT DOESN'T MAKE DETERMINATION ON JURISDICTION, WE'LL MAKE A RECOMMENDATION, WE'LL SAY WE DON'T BELIEVE YOU HAVE IT OR WE DO, WE DO BELIEVE YOU HAVE IT AND YOU SHOULD SCHEDULE A HEARING BUT WE LET THE COMMISSION MAKE THAT FINAL DETERMINATION.

Alvarez: THANK YOU. WIN LAST THING IF WE COULD CLARIFIES, FOLKS DO WANT TO FILE COMPLAINTS ABOUT ELECTION MATTERS THEN THE CONTACT, BOY, FOR THAT IS THE CITY CLERK'S OFFICE SO THEY CAN EITHER COME BY THE OFFICE AND CALL AND REQUEST A FORM AND -- IS THAT -- I DON'T KNOW IF THAT IS ACTUALLY AVAILABLE VIA E-MAIL OR NOT BUT...

YES, WE CAN PROVIDE THAT. AND THEY CAN ALSO GO TO THE STATE ETHICS COMMISSION WEBSITE AND THERE'S A LOT OF INFORMATION AND FORMS THERE AVAILABLE TO

THEM ALSO.

AND THEY CAN USE THAT AS... IN PLACE OF WHAT WE DO OR IN TERMS OF FILING COMPLAINTS WITH US?

SOME THINGS ARE PRETTY OBVIOUS THEY NEED TO BE FILED WITH THE STATE, SO TO NOT GET HUNG UP IN OUR SYSTEM, THEY CAN GO DIRECTLY TO THE STATE.

Alvarez: OKAY. AND HELP THEM -- IT WILL HELP THE COMPLAINANT FIGURE OUT WHERE THEY SHOULD BE FILING? AND THEN FINALLY THIS IS OBVIOUSLY EFFECTS OF WORK OF THE ETHICS COMMISSION AND THEY DID RECOMMEND APPROVAL OF THESE CHANGES, IS THAT CORRECT?

YES, SIR.

Alvarez: OKAY. THANK YOU. APPRECIATE IT.

THANK YOU.

Alvarez: THOSE ARE ALL MY QUESTIONS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENT, QUESTIONS REGARDING ITEM 3, ETHICS REVIEW COMMISSION ISSUE WITH THE CITY CLERK. HEARING NONE I'LL ENTERTAIN A MOTION.

Alvarez: I MOVE APPROVAL OF ITEM 3, MAYOR.

I'LL SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY MAYOR PRO TEM TO APPROVE ITEM 3 AS POSTED, THAT IS THIS ORDINANCE AS DESCRIBED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO COUNCIL THAT IS ALL OF OUR DISCUSSION ITEMS PRIOR TO THE BRIEFINGS THAT WILL ENABLE US TO TAKE UP A COUPLE MORE ITEMS SO WITHOUT OBJECTION WE CAN NOW GO INTO CLOSE SECTION PURSUANT TO 551.071, THE OPEN MEETINGS ACT,

TO TAKE UP AGENDA ITEM NUMBER 26 RELATED TO INTERIM DEVELOPMENT REGULATIONS ON CERTAIN SINGLE FAMILY RESIDENTIAL DEVELOPMENTS. AND/OR PURSUANT TO SECTION 551.072 OPEN MEETINGS ACT DISCUSS AGENDA ITEM NUMBER 27, THE REAL ESTATE MATTER RELATED TO ACQUISITION AND USE OF PROPERTY FOR THE AUSTIN WATER UTILITY. WE'RE NOW IN CLOSED SESSION. I ANTICIPATE US COMING OUT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION. THANK YOU. LOVE OF WRITING TO AUTHOR THE LETS PRETEND SERIES OF CHILDREN'S BOOKS. SHE WAS A FOUNDING MEMBER AND PRESIDENT OF THE WH PATRICK HISTORICAL SOCIETY AND IN HER WEEKLY COLUMN, LOOKING BACK, SHE PROFILED SIGNIFICANT EVENTS, PEOPLE AND PLACES CONNECTED WITH THE HISTORY OF AFRICAN-AMERICANS IN AUSTIN. TODAY THESE ARTICLES CONTINUE TO BE A TOUCH STONE FOR INFORMATION ABOUT AUSTIN. I'M INVITING YOU TO EXPLORE YOUR PAST AT THE AUSTIN HISTORY CENTER.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN CLOSED SESSION WE TOOK UP REAL ESTATE MATTERS RELATED TO THE AUSTIN WATER UTILITY, NO DECISIONS WERE MADE, NOW TO THE 12:00 GENERAL CITIZENS COMMUNICATION. APOLOGIZE FOR OUR TARDINESS. I HAVE A HANDFUL OF SPEAKERS WHO WOULD LIKE TO ADDRESS US, OUR FIRST IS MR. RICHARD TROXELL, WELCOME, THREE MINUTES, FOLLOWED BY KATHIE TOVO.

GOOD AFTERNOON, COUNCILMEMBERS, MAYOR WILL WYNN, MY NAME IS RICHARD TROXELL. MARY AND I ARE HERE TODAY REPRESENTING HOUSE THE HOMELESS, WE WANTED TO SHARE INFORMATION, THE AUSTIN POLICE DEPARTMENTS HAS BEEN CONDUCTING A STING AGAINST THE HOMELESS, THE POPULATION IN THE CITY OF AUSTIN. WE WANT TO TALK ABOUT THAT FOR A MOMENT. WHAT'S HAPPENING IS THEY HAVE BEEN TAKING WOKE AND TELLING PEOPLE THAT IT'S -- TAKING THE BICYCLE AND TELLING PEOPLE THAT IT'S STOLEN, TRYING TO GET THEM TO BUY IT FROM THEM. THEY TELL THEM IT'S AN \$1,800 BIKE, VERY EXPENSIVE, NEED TO GET A LOT OF MONEY FOR IT. THE HOMELESS PERSON SAYS I DON'T HAVE ANY MONEY. THE RETORT IS YOU HAVE A COUPLE OF BUCK, DON'T YA? SO THREE OF THE PEOPLE THAT WERE -- 24 PEOPLE WERE

STUNG IN THIS OPERATION ALL IN ALL, THREE OF THE PEOPLE SAID -- GAVE \$2 AND SO IN EXCHANGE FOR \$2, THEY HAVE NOW FACING A TWO YEAR JAIL SENTENCE FOR FELONY. ANOTHER PERSON WHEN YOU SAY WELL YOU HAVE A COUPLE OF BUBLG, DON'T YOU, YOU HAVE GOT SOMETHING, RIGHT? NO, I DON'T HAVE A COUPLE OF BUCK, I DON'T HAVE ANYTHING. WELL, YOU HAVE YOUR SUNGLASSES, YOUR -- YOU HAVE GOT YOUR JACKET, YOUR DAY PLANNER, GIVE ME THAT. SO IN EXCHANGE FOR THAT, THEY ARE NOW FACING A TWO YEAR FELONY JAIL SENTENCE. THIS IS TOTALLY INAPPROPRIATE. WHY ARE WE TARGETING THE HOMELESS. WHEN I SAY TARGETING THE HOMELESS, THE -- THE AFFIDAVIT BEFORE YOU STATES THIS IS AN AREA WITH A SIGNIFICANT HOMELESS POPULATION. NEXT THIS IS AN AREA WITH A SIGNIFICANT HOMELESS POPULATION. EACH AFFIDAVIT EXPLAINS RIGHT ON ITS FACE IT WAS TARGETING PEOPLE IN THIS AREA. THIS IS UNCONSCIONABLE. THIS -- WE NEED -- THESE ARE PEOPLE WHO ARE DOWN AND OUT, LOST, ABSOLUTELY EVERYTHING, AND SOMEONE IS PRESENTING THEM WITH AN \$1,800 BICYCLE, WHO WANT PAY \$2 FOR AN \$1,800 BICYCLE JUST TO TURN IT IN FOR \$500 REWARD? I DON'T KNOW. WE ARE CONFUSE THE ABOUT WHAT WAS THE PURPOSE OF THIS. IF THE PURPOSE WAS TO ACTUALLY SADDLE THESE PEOPLE WITH FELONIES SO THAT THEY WOULD BE PICKED UP, TAKEN OUT OF AUSTIN, I THINK YOU ARE GOING TO ACCOMPLISH YOUR GOAL. THIS -- THIS ENTIRE APPROACH TO HOMELESSNESS IS SUN ACCEPTABLE. THIS NEEDS TO BE STOPPED IMMEDIATELY. WE -- WE HAVE NOW CREATED ANOTHER BARRIER FOR EACH OF THESE PEOPLE WHO WILL NOT EXIT HOMELESSNESS FOR A MINIMUM OF 10 YEARS BECAUSE THE HOUSING AUTHORITY WON'T ALLOW SOMEONE WITH A FELONY TO ACCESS HOUSING. IS THAT WHAT WE ARE TRYING TO ACCOMPLISH. ONE OF THESE GUYS SAYS -- HOW ABOUT YOU GOT DRUG, A COUPLE OF MARIJUANA CIGARETTES, GIVE US THOSE. WELL, I NEED ONE OF THOSE, I'M IN BAD HEALTH, I NEED ONE OF THOSE, YOU KNOW, SO FOR ONE MARIJUANA CIGARETTE, HE'S NOW GOT A DRUG CHARGE ON TOP OF THE FACT THAT HE IS BEEN SADDLED WITH THEFT. THEY COULD HAVE TAKEN A \$400 BIKE OR A 600 BIKE OR \$1,200, NO, THEY MADE IT AN \$1,800 BIKE, PUSHED IT OVER THE 1500 MARK SO THESE PEOPLE

WILL BE CHARGED WITH A FELONY AND TAKEN OUT OF AUSTIN. THIS IS UNACCEPTABLE. THIS IS UNCONSCIONABLE. THIS IS A WASTE OF OUR TAX DOLLARS. I BRING IT TO THE COUNCIL TODAY FOR THEIR ATTENTION SO THAT THEY ARE FULLY AWARE OF WHAT'S GOING ON. I PROVIDED YOU WITH SEVEN OF THE 24 AFFIDAVITS UNALTERED SO THAT YOU WOULD KNOW IT. [BUZZER SOUNDING] IN CLOSING I WOULD LIKE TO THANK ATTORNEYS KEITH HAMPTON, HABIT ROBERT EISENHOWER RAMIREZ ... THEY SHOULD BE CONDEMN COMMENDED FOR PROVIDING PRO BONO LEGAL SERVICES FOR THEM.

KATHIE TOVO FOLLOWED BY CARROLL ANNE ROSE KENNEDY.

MAYOR WYNN, MINOR, COUNCILMEMBERS, MY NAME IS KATHIE TOVO, THE PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, YOU WANT TO START BY THANKING THE COUNCILMEMBERS WHO ASSISTED US IN THE LAST WEEK OR TWO. I AM HERE TO TALK ABOUT AISD'S PROPOSED CLOSING OF BECKER AND CONVERSION INTO A PREKINDERGARTEN CENTER. I APPRECIATED THE OPPORTUNITY TO MEET WITH MANY OF YOU, APPRECIATE THE ASSISTANCE THAT YOU HAVE OFFERED TO US. IN COMMUNICATING THE COMMUNITY CONCERNS TO THE AISD LEADERSHIP, I REALIZED THIS IS NOT AN ISSUE BEFORE THE COUNCIL. BUT THERE ARE FEW REASONS WHY I THINK IT IS OF CONCERN TO ALL OF US IN AUSTIN, PARTICULARLY TO YOU OUR CITY OF AUSTIN LEADERS. THIS PROPOSAL TO CLOSE THE NEIGHBORHOOD SCHOOL REALLY COMES FROM ALL OF THE PLANNING EFFORTS THAT ARE GOING ON CITY-WIDE, THOSE OF ENVISION CENTRAL TEXAS, OUR NEIGHBORHOOD PLAN, IN BOULDIN CREEK, SOMETHING AS SIMPLE AS THE TWIN OAKS LIBRARY. WE ARE BUILDING, THIS CITY COUNCIL IS BUILDING A BRAND NEW TWIN OAKS LIBRARY RIGHT AROUND THE CORNER FROM BECKER ELEMENTARY AND ATTENDING THE LAST PUBLIC MEETING AT TWIN OAKS, A LOT OF OUR DISCUSSION FOCUSED ON WHAT A WONDERFUL, SYNERGISTIC RELATIONSHIP THIS NEW CITY LIBRARY WAS GOING TO HAVE WITH BECKER ELEMENTARY, HOW COULD WE REALLY TALK WITH THE ARCHITECTS ABOUT REALLY EXPANDING ON THE FEATURES OF THAT LIBRARY SO THAT IT WORKED IN PARTNERSHIP

WITH BECKER. THIS DECISION RATHER THIS PROPOSAL BY AISD I THINK REALLY DOESN'T WORK IN CONCERT WITH LOTS OF THE OTHER PLANNING EFFORTS GOING ON. I REALLY ELICIT YOUR SUPPORT IN HELPING US CONVEY TO AISD THAT IT'S VERY IMPORTANT THAT WE SLOW DOWN THEIR TIME TABLE, WHICH IS COMING OUT RIGHT AROUND THE CORNER, THERE'S THE BOARD OF TRUSTEES IS SCHEDULED TO VOTE AT THE END OF FEBRUARY, AS YOU'VE PROBABLY HEARD, AS WE CERTAINLY CONVEYED IN OUR MEETINGS TO YOU, THE PROCESS OF COMING UP WITH SOLUTIONS DID NOT INVOLVE ANY COMMUNITY STAKEHOLDERS AND BY STAKEHOLDERS I MEAN NOT JUST BECKER PARENTS AND TEACHERS AND THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION BUT NOT YOU OUR CITY LEADERS. I THINK THAT GOOD PLANNING INVOLVES ALL OF THOSE PEOPLE, I THINK HAD WE BEEN INVOLVED AS COMMUNITY STAKEHOLDER, I THINK THAT WE COULD COME UP WITH SOME REALLY GOOD ALTERNATIVE SOLUTIONS HERE. AND WE WOULD LIKE THE OPPORTUNITY TO DO THAT. WE PROBABLY DON'T ALWAYS AGREE ON -- ON WHERE DENSITY SHOULD HAPPEN IN BOULDIN CREEK, BUT I THINK WE ALL RECOGNIZE THAT BOULDIN CREEK IS UNDERGOING A REALLY SIGNIFICANT CHANGE IN ITS DEMOGRAPHICS. LOTS OF NEW COUPLE Lots of new couple COMING IN, THERE ARE FAMILIES AND BABIES BEING PUSHED IN STROLLERS ON EVERY CORNER. I THINK THE 2000 CENSUS DATA THAT WE HAVE AVAILABLE THAT SHOWS HOW DENSITY IS LINKED TO CHILDREN JUST ISN'T UP TO DATE ENOUGH. WE REALLY NEED AN OPPORTUNITY TO SEE HOW THE PROJECTED CHANGES IN BOULDIN CREEK WILL INCREASE ENROLLMENT OVER THE NEXT FIVE YEARS. I REALLY BELIEVE THAT IT'S VERY POSSIBLE. WHAT WE HAVE ASKED FOR IS SOME TIME FROM AISD TO REALLY WORK WITH THEM AND COLLABORATE WITH THEM ON SOME ALTERNATIVES. I THINK WE AS A COMMUNITY CAN COME UP WITH SOME VERY GOOD WAYS TO MEET THEIR GOALS, TO MEET THE -- THE CITY'S GOALS OF EDUCATING OUR -- ALL OF OUR STUDENTS AND TO KEEP BECKER AS AN ELEMENTARY SCHOOL AND AS A NEIGHBORHOOD SCHOOL. WHICH -- WHICH CERTAINLY SUPPORTS OUR VIBRANT NON-AUTO DEPENDENT NEIGHBORHOOD. THANK YOU.

THANK YOU. COUNCILMEMBER DUNKERLY?

YOU HAD ASKED ME TO VISIT WITH DR. FORGIONE AND I DID SPEAK WITH HIM, HE SAID THAT HE WOULD BE MEETING ME WITH YOUR GROUP ON MONDAY, I BELIEVE.

WED.

WHEN.

WE WILL BE MEETING WITH HIM ON WEDNESDAY, HE CALLED ME -- JUST TO --

Dunkerly: I DID PASS ALONG SOME OF THE SPECIFIC QUESTIONS THAT YOU HAD ABOUT COST AND NET COST AND -- AND THOSE TYPES OF THINGS. AND HE SAID THAT HE WOULD SHARE THOSE ANSWERS WITH ALL OF US ON THE COUNCIL AS WELL. SO I'M GLAD THAT YOU ARE GOING TO AT LEAST BE ABLE TO SIT DOWN AND TALK TO THEM.

TERRIFIC. I KNOW THAT WE ALL APPRECIATE IT. I THINK HAVING THAT OPPORTUNITY TO HAVE A DIALOGUE WITH DR. FORGIONE AND THE OTHER AISD STAFF WILL REALLY BE IMPORTANT, WE HOPE THAT WE CAN CONVINCE THEM TOGETHER WE CAN COME UP WITH SOME REALLY GOOD SOLUTION, THANK YOU.

THANK YOU, WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY PAUL ROBINS.

THANK YOU ALL FOR HAVING ME. AND THANK YOU, EACH AND EVERY ONE OF YOU FOR SERVING. ASK NOT WHAT YOUR COUNTRY CAN DO FOR YOU GO, WHAT YOU CAN DO FOR YOUR COUNTRY. PRESIDENT KENNEDY WOULD BE MOTOR FORTIFIED TO SEE FOUR DECADES LATER, MANY OF OUR COMMON FOLKS, INCLUDING ME AND MY FOUR SISTERS AND FOUR BROTHERS, GREW UP AND HEHEDED HIS ADVICE, BUT AN EQUAL NUMBER OF OUR COUNTRY'S LEADERS DID NOT. LAST WEEK, I RELATED AN ATROCITY I WITNESSED EARLY ONE MORNING SOUTH OF OUR CAPITOL. A COMMON WHITE MAN PROPERTY MANAGER KICKED AND YELLED AT A COMMON BLACK VERY SICK HOMELESS WOMAN LOOKING AT HIS DOORSTEP. SHE COULD HAVE BEEN NURSING A

NEWBORN, COULD HAVE BEEN YOUR DAUGHTER, YOUR EX-WIFE, YO MAMMA OR CARRYING THE NEXT POPE. AS AN ALTERNATIVE TO KICKING AND SCREAMING, MAY I SUGGEST TO THAT LITTLE MAN THAT HE COULD HAVE ACCOMPLISHED THE SAME GOAL, THAT IS REMOVING HER FROM HIS PLACE OF BUSINESS, SOMETIMES KNOWN AS IVORY TOWER, BY WHAT I BELIEVE IS A MORE EFFECTIVE MUTUALLY BENEFICIAL TACTIC. ASK WHAT YOU AS A LEADER CAN DO FOR THE HOMELESS. THEN LISTEN AS OPPOSED TO THROWING MONEY AT THEM FOR WHAT YOU THINK THEY NEED. FINALLY ASK THE HOMELESS WHAT SHE CAN DO FOR YOU. MAYBE IT'S A WOMAN THING. THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. PAUL ROBBINS. SIGNED UP REGARDING CITY ISSUES, WE WILL HOLD HIS SPOT. CHRISTOPHER JOHNSON, YOU WILL HAVE THREE MINUTES, FOLLOWED BY JENNIFER GALE.

ACTUALLY I'M LIVE VIDEO AS I WAS DRIVING DOWN HERE AT THE INTERSECTION OF 12th AND CHICON, WE STILL HAVE THE SAME PROBLEM, SOMETHING THAT TOBY PROMISED THE PEOPLE THAT WOULD BE ADDRESSED YEARS AGO ABOUT THE WALKING BEAT NOT ALL OF THE OPEN AIR DRUG ACTIVITIES GOING ON IN THAT SFWREKS. I INTERSECTION, I REPORTED THAT TO THE CHIEF. ONE SATURDAY AFTERNOON MY MOTHER WAS CROSSING THE INTERSECTION GOING HOME, SOMEONE TRIED TO ENTER HER VEHICLE TO ASK HER IF SHE WANTED TO BUY SOME DRUGS, I WAS VERY LIVE VIDEO ABOUT THAT. THAT'S -- LIVID ABOUT THAT. AS FAR AS YOUR SO-CALLED QUALITY OF LIFE FORUMS, THOSE MEETINGS WERE NOT REFLECTIVE OF THE CORE EAST AUSTINITES WHO LIVE IN THAT COMMUNITY. WE FELT LEFT OUT IN THOSE FORUMS. I UNDERSTAND NELDA WELLS SPEARS E-MAILED YOU, YOU HAVE YET TO RESPOND THAT. DID YOU RECEIVE AN E-MAIL FROM NELDA SPEARS? I HAVE.

Mayor Wynn: I HAVEN'T SEEN IT, IT MIGHT BE IN MY IN BOX.

WE HAVE TO ADDRESS THOSE ISSUES. WE GET ALL OF THESE PROMISES, EAST AUSTIN IS INUNDATED WITH SOCIAILLS. WE ARE TIRED OF THESE PROMISES. WHEN IT COMES TIME FOR THE RUBBER TO MEET THE ROAD THERE'S

NOTHING THERE. WE ARE SICK AND TIRED OF THAT. SECONDLY I HAVE BEEN WORKING WITH THE PLANNING, SOME OF THE PLANNING PEOPLE DOWN AT WATERSHED PROTECTION, THEY ARE TRYING TO PUT A NIGHTCLUB IN MY NEIGHBORHOOD, WHICH USED TO BE A DEATH TRAP YEARS AGO, IT WAS CALLED CHASER'S NIGHTCLUB. I HAVE TALKED WITH GEORGE ANCE NANCE, HE WAS VERY RUDE TO ME. SHE WOULD DO THE SAME THING IF IT WAS IN ANOTHER AREA OF TOWN. WE DO NOT NEED ANOTHER NIGHTCLUB. THE CITY OF AUSTIN IS PLANNING TO DEVELOP PROPERTY NEXT TO 21, 3121 EAST 12th STREET. SUPPOSED TO BE LOW INCOME HOMES THERE. WE DO NOT WANT THAT NIGHTCLUB IN MY NEIGHBORHOOD. I'M GOING TO DO EVERYTHING IN MY POWER TO STOP IT. YOU CAN BELIEVE IT.

THANK YOU, MR. JOHNSON. JENNIFER GALE, WELCOME, THREE MINUTES, FOLLOWED BY JUDYDY MACHEN.

HI, AUSTIN! I WANT TO GIVE YOU A BIG KISS FOR HAPPY VALENTINE'S DAY. THIS IS A -- IS AN ELECTION WEEKEND NEXT TWO DAYS FOR HOUSE DISTRICT 48. MAYOR WYNN, COUNCILMEMBERS ALVAREZ, KIM, MCCracken, MAYOR THOMAS -- NOW MAYOR THOMAS, MAYOR WYNN, LEE LEFFINGWELL, BETTY DUNKERLY GOOD AFTERNOON, MY NAME IS JENNIFER GALE, I'M A CANDIDATE FOR GOVERNOR IN THE STATE OF TEXAS. A PROBLEM THAT I HAVE BEEN HAVING RECENTLY WITH OUR -- WITH OUR -- OUR LAW ENFORCEMENT HAS BEEN IN A PARK, THE FIRST TIME THEY GIVE ME A TICKET WAS FOR -- WAS FOR LAYING MY HEAD DOWN ON MY -- THE BAG THAT I CARRY MY PETITION PAPERS ON. AND I JUST SPENT HOURS CLEANING THE PARK, TOOK A NAP AND OFFICER CARLSON, OFFICER GIBSON DECIDED TO GIVE ME A TICKET SAYING THAT IT WAS STORAGE OF ITEMS TO HAVE MY BAG ON A PIECE OF CARDBOARD. I'M ASKING THAT -- THAT IT BE CLAIRE CLARIFIED ... UNDER C, IT SHOWS SLEEPING OR -- OR MAKING PREPARATIONS TO SLEEP WAS REDACTED BY MAYOR GOODMAN AND THIS CITY COUNCIL. SO I'M ASKING THAT THIS CITY COUNCIL PUT IN A NEW ORDINANCE THAT SAYS THAT IT'S OKAY TO SLEEP OR LAY DOWN BEDDING. SPECIFICALLY, SO OFFICERS DON'T CONTINUE TO HARASS. THE SECOND TIME THAT I GOT A TICKET, AFTER THE DECEMBER 13th WAS JANUARY 29th, WHERE I HAD LEFT

BURGER KING AT 10:35. BY 11:10 OFFICER WRIGHT AND OFFICER [INDISCERNIBLE] GAVE ME ANOTHER SLEEPING TICKET. I SHOWED ALL OVERS THIS LAW WHERE IT WAS REDACTED UNDER PART 1 C, SLEEPING OR MAKING PREPARATIONS TO SLEEP OR THE LAYING DOWN OF BEDDING. THEY STILL GAVE ME A TICKET EVEN THOUGH I HAD BEEN THERE JUST A FEW MINUTES. I'M ASKING THAT THIS BE REMOVED. ADDED TO AND ALLOWED. HERE'S THE NEW ORDINANCE THE ONE ON THE LEFT. IT DOESN'T SHOW THE UPDATED OF THE ORDINANCE THAT WAS PASSED BY THE CITY COUNCIL. I'M INTERESTED IN KNOWING WHY, CITY ATTORNEY DAVID SMITH. THAT'S WHAT I GOT OFF THE WEBSITE TODAY. NOTHING ABOUT 29th STREET OR THE CENTRAL BUSINESS DISTRICT. I'M ASKING EVERYONE AND I'M ASKING \$10,000 FROM THE CITY OF AUSTIN FOR BOTH THOSE TICKETS. THIS FORUM WILL BE AT 8:00 BY THE LEAGUE OF WOMEN VOTERS AT THE LOWER COLORADO RIVER -- LOWER COLORADO RIVER AUTHORITY AT 3700 LAKE AUSTIN BOULEVARD. THIS ELECTION IS GOING TO COST YOU AND ME \$246,000. I WANT EVERYONE PARTICIPATING IN THIS HOUSE DISTRICT ELECTION. THANK YOU, MAYOR. AND CITY COUNCIL.

Mayor Wynn: THANK YOU, MS. GALE. JUDY MACHEN, HOPE THAT I'M PRONOUNCING THAT CORRECTLY. YOU WILL BE FOLLOWED BY PAT JOHNSON.

GOOD AFTERNOON COUNCIL, THANK YOU VERY MUCH FOR LETTING ME SPEAK. I JUST WANTED TO COME TO YOU AND EXPRESS THAT I HEARD THAT ON JANUARY THE 12th YOU COMPLIMENTED THE AUSTIN POLICE DEPARTMENT FOR THE IMPROVEMENT IN THE REDUCTION OF TRAFFIC ACCIDENTS THAT ARE HAPPENING ON OUR MAYOR -- MAJOR THOROUGHFARES, 35, 183, MOPAC, AND I WANTED TO LET YOU KNOW THAT IT'S DONE BY THE TOWING COMPANIES THAT STAGE IN THESE AREAS. OKAY? AND WHAT WE NEED TO DO, YOU GET A SURCHARGE ON YOUR ELECTRIC BILL BECAUSE OF THE HIGH COST OF FUEL. YOU GET A SURCHARGE ON YOUR GAS PUMP, YOU GET A SURCHARGE ON JUST ABOUT EVERYTHING THAT YOU RECEIVE NOWADAYS BECAUSE OF THE COST OF FUEL. BUT WE DON'T. WE DON'T GET A SURCHARGE ON ANYTHING. THE NUMBER OF COMPANIES THAT STARTED THIS PROJECT OVER THREE

YEARS AGO WERE NEARLY 50 COMPANIES. WE ARE DOWN TO 7 SOUTH AND 7 NORTH AUSTIN OF NOW. I'M NOT SURE HOW MUCH LONGER THEY ARE GOING TO BE ABLE TO HANG ON. IT'S COSTING US, WE ARE NOT PAID A DIME, NOT BY YOU, NOT BY THE PEOPLE WE MOVE OFF OF THE HIGHWAY. ONLY IF THEY WRECK AND WE GET TO TOW THEM TO THE STORAGE FACILITY. WE WERE PROMISED A TWO YEAR REVIEW AFTER WE GOT OUR LAST INCREASE IN OUR TOWING RATES AND THAT WAS 47 MONTHS AGO. SO I WOULD LIKE FOR YOU AS A CITY COUNCIL TO REVIEW US AND TALK TO US. WE HAVEN'T EVEN TALKED TO THE POLICE DEPARTMENT AND -- IN AT LEAST A COUPLE OF YEARS. THAT HAS COME TO A HALT. WE NEED TO START OVER AGAIN, WE HAVE GOT TO DO SOMETHING OR YOUR ACCIDENT RATES ARE LIABLE TO GO BACK UP. NOT ON PURPOSE, NOT BY US, BUT BECAUSE WE ARE NOT GOING TO BE ABLE TO AFFORD TO STAY OUT THERE AND TAKE THEM OFF OF THE HIGHWAY. I WANT TO THANK YOU FOR ALLOWING ME TO SPEAK TODAY. THANK YOU.

Thomas: MAYOR, IF YOU DON'T MIND. JUDY, CAN I ASK YOU ONE QUESTION. YOU SAID SEVEN NORTH, SEVEN SOUTH?

YES, WE HAVE DIVIDED OUR COMPANIES BY THE -- BY THE RIVER AND THE SOUTH HAS ALMOST THE SAME NUMBER OF TOWING COMPANIES AND -- AS THE NORTH SIDE OF THE RIVER DOES. AND THEY TAKE CARE OF -- THE RIVER -- OKAY IT GOES TO -- TO -- TO 290? 290 UP TO THE -- TO THE CITY LIMITS AND THEN 183 ALL THE WAY TO THE CITY LIMITS AND MOPAC DOWN TO 35 STREET. THEN THE SOUTH TAKES OVER FROM 35th TO THE CITY LIMITS AND IT TAKES OVER FROM 290 TO THE CITY LIMITS SOUTH. AND THAT WAY WE -- WE CAN EASILY DIVIDE THE TOWING BY 7 COMPANIES NORTH AND 7 SOUTH. I TALKED TO DETECTIVE GANN WHO IS IN THE RETIRED. I HAVEN'T MET OUR NEW OFFICER THAT'S IN CHARGE OF THE TOWING COMPANIES AS OF YET. I BELIEVE HIS NAME IS RODNEY SOMETHING. SO I WOULD LIKE TO GET WITH HIM AND LIKE FOR HIM TO COME TO ONE OF OUR ASSOCIATION MEETINGS AND SPEAK AND TELL US WHAT WE NEED TO DO. I WOULD LINING TO GET ALL OF THE COMPANIES -- I WOULD LIKE TO GET ALL OF THE COMPANIES BACK ON THERE AGAIN. I REALLY WOULD.

Thomas: OKAY. I'M SURE THAT MR. GARZA CAN GET SOMEBODY TO COME TO YOUR MEETINGS. CAN YOU TELL ME WHAT CONTRIBUTE TO -- YOU SAID YOU STARTED OUT WITH 50 --

I -- WHAT ATTRIBUTES TO THEM IS THE FACT THAT WE ARE OUT THERE PATROLLING THE HIGHWAYS, USING OUR FUEL AND FOR THE GETTING ANY REIMBURSEMENT FOR IT BECAUSE IF YOU ARE JUST STALLED ON THE HIGHWAY WE TAKE YOU OFF OF THE HIGHWAY AND PUT YOU IN THE SAFE POSITION AT NO CHARGE. IF YOU ARE WRECKED AND YOU CHOOSE SOMEONE ELSE, WE TAKE YOU OFF OF THE HIGHWAY, PUT YOU IN A SAFE POSITION UNTIL YOUR WRECKER SERVICE CAN COME AND GET YOU. IN OTHER WORDS, ALL OF OURS IS FREE UNLESS YOU CHOOSE OUR STORAGE LOT. THEN WE DO GET PAID FOR THE TOWING.

Thomas: OKAY. CITY MANAGER, HAS IT BEEN TWO YEARS FOR THE --

Futrell: IT HAS BEEN TWO YEARS. WHEN WE RAISED THE RATES AT THE TIME WE REQUIRED THAT THIS INCIDENT MANAGEMENT PROGRAM GO IN PLACE, WE RAISED THE RATES AT THAT TIME TO THE HIGHEST IN THE STATE OF TEXAS. RUDY IF YOU WOULD PLEASE RESPOND I THINK THAT WOULD BE HELPFUL FOR US.

Thomas: LET ME SAY THIS. IT MIGHT BE THE HIGHEST IN THE STATE OF TEXAS, BUT I THINK THE AREAS THAT THEY DO OPERATE, CAN YOU COMPARE WHAT THE OTHER STATES THAT YOU MIGHT HAVE -- WE CALL IT SUICIDE ALLEY, IT'S DIFFERENT BECAUSE OF WORK THEY DO.

MAYOR AND COUNCIL, RUDY GARZA ASSISTANT CITY MANAGER. A COUPLE OF THINGS I WANT TO POINT OUT. FIRST I DEFINITELY WANT TO EXPRESS OUR APPRECIATION TO THOSE COMPANIES THAT HAVE TIPPED TO SUPPORT THE RUSH HOUR PROGRAM. BECAUSE AS THEY EXPLAINED WE HAVE HAD MANY OF THE COMPANIES HAVE CHOSEN NOT TO PARTICIPATE. THE FACT IS THAT WHEN THE CITY NEGOTIATED THE CURRENT RATES THAT ARE IN PLACE, A KEY PIECE OF THE NEGOTIATION WAS THAT IN FACT COMPANIES WERE GOING TO PARTICIPATE IN THE RUSH

HOUR PROGRAM AND CLEARLY THERE'S -- THERE'S BEEN SEEMS LIKE 14 COMPANIES THAT HAVE HONORED THAT -- THAT NEGOTIATION. SO -- SO THE RATES THAT WE ESTABLISH, WHEN YOU WERE GOING TO PUT US UP AT THE TOP OF THE STATE WITH AGREEMENT THAT WE WOULD HAVE THE RUSH HOUR PROGRAM, THAT BEING SAID IN 2003 WE DID LOOK AT THE FEES AGAIN. BASED ON THE INFORMATION THAT WE COMPARED TO BACK IN 2001, TIME FRAME WHEN WE SET THE CURRENT FEES, YOU ARE RIGHT MAYOR PRO TEM WE WERE STILL THE HIGHEST IN THE STATE AT THAT TIME. WE DID NOT RECOMMEND AN INCREASE TO THE FEES, THE REVIEW WAS DONE. WE ARE NOW DUE TO REVIEW THOSE AGAIN. HOWEVER, I KNOW THAT I HAVE SAID THIS MULTIPLE TIMES, I CAN ASSURE YOU NOW WE ARE NOW WORKING ON REVISIONS TO THE CURRENT ORDINANCE, THE TOWING ORDINANCE AS WELL AS LOOKING AT THE FEES. IN FACT OUR CITY ATTORNEY, DAVID DOUGLAS, I BELIEVE IS ATTENDING THE FEBRUARY 28th MEETING IN THE NEXT SEVERAL WEEKS HERE WITH THE TOWING ASSOCIATION TO REVIEW SOME OF THE PROPOSALS THAT WE HAVE IN PLACE AND AT THAT TIME WE WILL ALSO DISCUSS THE FEES, SO WE CLEARLY ARE LOOKING AT THAT. BUT AGAIN I CAN'T EXPRESS ENOUGH OUR APPRECIATION FOR THOSE 14 COMPANIES THAT CONTINUE TO HONOR THE NEGOTIATIONS THAT WE DID TO ESTABLISH THE CURRENT FEES.

SO RUDY YOU ARE BOTH LOOKING AT FEES AGAIN, YOU ARE LOOKING AT REVISIONS THAT MIGHT HAVE TO HAPPEN BOTH IN PARTICIPATION AND SIZE OF DISTRICTS, YOU ARE GOING TO BE GOING TO THE NEXT MEETING, SHARING THOSE THOUGHTS AND GETTING FEEDBACK, AND ALL OF THIS WILL BE ROLLED UP INTO OUR BUDGET DISCUSSIONS FOR THE UPCOMING YEAR.

WELL, IN FACT WE ARE OUR CURRENT SCHEDULE BECAUSE WE HAVE DELAYED COMING BACK TO THE COUNCIL AS I HAD STATED WE WOULD, WE COULD COME BACK SOONER MAYBE OR ROLL IT BACK UP INTO THE BUDGET DISCUSSIONS.

ALSO I WOULD LIKE FOR IF AT ALL POSSIBLE IF YOU TO REVIEW THE CITIES IN TEXAS. FROM OUR UNDERSTANDING, CONROE OUT DID US. ALSO IF ANYTHING JUST A

SURCHARGE SO THAT WE CAN COVER THE COST OF DIESEL FUEL. I DON'T KNOW IF YOU HAVE -- IF YOU HAVE PRICED IT LATELY, BUT WE HAVE. THAT'S BEEN OUR BIGGEST CONCERN.

PAT JOHNSON, WELCOME.

YOU WILL HAVE THREE MINUTES.

GOOD MORNING, COUNCIL, CITIZENS, TODAY'S TOPIC IS -- WE'VE HAD A LOT OF TRAFFIC DEATHS HERE IN THE FIRST PART OF THE YEAR. IT'S A SHAME, THAT POOR LITTLE GIRL THAT LOST HER LIFE IN THE LAST COUPLE OF DAYS WAS NOT BUCKLED IN HER SEAT BELT. THE FIRST SLIDE IS ABOUT ROAD RAGE, THERE'S ALL DIFFERENT FORMS OF ROAD RAGE, GOING DOWN THE ROAD IN THE LEFT LANE, SOMEBODY DRIVING, BUMPER TO BUMPER, LIKE THIS ONE RIGHT HERE. THIS GUY IN HIS MERCEDES THOUGHT HE WAS GOING TO TRY TO RUN OVER THIS GRANDMA IN THE CROSS WALK. THIS IS JUST A FORM OF ROAD RAGE. LOOK WHAT SHE DOES. AIR BAGGINGS OFF. THAT'S JUST ONE FORM OF ROAD RAGE. WHENEVER YOU PULL UP TO A RED LIGHT, AT AN INTERSECTION, AND BEFORE YOU PULL OUT INTO THE INTERSECTION THE LIGHT CHANGES TO GREEN, YOU SHOULD WAIT AND MAKE SURE THAT THE VEHICLES ARE STOPPED LIKE THIS ONE RIGHT HERE. RUNNING OVER THAT PEDESTRIAN, THE SAME THING THAT HAPPENED A COUPLE OF MONTHS AGO OVER THERE AT SOUTH FIRST AND BEN WHITE. AN INNOCENT CIVILIAN WAS WALKING ACROSS THE CROSS WALK, SOMEBODY RAN THE RED LIGHT, BROADSIDED SOMEONE AND ONE OF THE VEHICLES RAN OVER AND KILLED A PEDESTRIAN FROM THE SIDEWALK. STOP AND WAIT BEFORE YOU GO OUT THAT INTERSECTION! THE NEXT ONE IS GOING TO BE ABOUT -- YOU SEE A POLICE OFFICER PULLING OVER WRITING A TICKET SOMEWHERE. MOVE OVER INTO THE OTHER LANE. THIS COULD HAPPEN TO ANY ONE OF OUR POLICE OFFICERS ANYWHERE IN TOWN. WHEN YOU SEE A POLICE OFFICER, PULL SOMEBODY OVER, MOVE INTO THE OTHER LANE. ALL RIGHT. THE NEXT ONE HERE TALKS ABOUT SEAT BELTS. WE CANNOT EXPRESS THE NEED FOR WEARING SEAT BELTS BECAUSE SEAT BELTS SAVES LIVES. WE KNOW IT DOES. I HAD A LITTLE PROBLEM PUTTING THIS POWERPOINT TOGETHER. HERE'S A GUY DRIVING DOWN THE

ROAD, LUCKILY THIS GUY STAYED IN THE VEHICLE. THAT LITTLE CHILD THAT GOT KILLED ON 35 THE OTHER DAY, UP THERE BETWEEN 183 AND SAINT JOHN'S, DIDN'T STAY IN THE VEHICLE. EVERYBODY NEEDS TO WEAR SEAT BELTS, REPORT RECKLESS DRIVING TO 911 AND YOU SEE AN ACCIDENT YOU REPORT THAT TO 911 AND YOU STAY THERE AND YOU HELP THOSE CITIZENS. BECAUSE THAT COULD BE YOU OUT THERE ONE DAY. THANK YOU, COUNCIL.

Mayor Wynn: THANK YOU, MR. JOHNSON.

Kim: THESE ARE NOT VIDEOTAPES ARE ANYTHING HAPPENING IN AUSTIN, THESE ARE FROM OTHER TV SHOWS, I WANT TO MAKE SURE PEOPLE KNOW THIS IS NOT GOING ON IN AUSTIN. I DIDN'T WANT ANYONE TO GET CONCERNED THAT THESE HAPPENED HERE THEY HAVE NOT.

NO, MA'AM, THAT'S CORRECT. THERE'S A LOT OF INCIDENTS THAT HAVE OCCURRED IN OUR COMMUNITY THAT OUR LOCAL NEWS MEDIA WON'T SHOW. WE HAVE MEDIAS IN OTHER PARTS OF THE STATE, IF IT BLEEDS IT LEAD. WE DON'T HAVE THAT TYPE OF MEDIA HERE IN AUSTIN. BUT YES THOSE INSTANCES THAT YOU HAVE SEEN ON THAT VIDEO OCCUR EVERY DAY IN OUR CITY.

Kim: THEY ARE NOT ACTUAL INCIDENTS THAT HAPPENED HERE IN AUSTIN, JUST WANTED TO MAKE SURE, THANKS.

THAT IS CORRECT.

Mayor Wynn: THANK YOU, MR. JOHNSON, MR. ROBBINS WELCOME, WE CALLED YOUR NAME EARLIER. WELCOME, THREE MINUTES.

COUNCIL, POLICE SOMETHING IN THE AUSTIN CITY CHARTER, ARTICLE 7, SECTION 11 THAT SAYS-- THE CITY SHALL HAVE THE POWER TO BORROW MONEY FOR THE PURCHASE OF CONSTRUCTING, IMPROVING, EXTENDING, PUBLIC UTILITIES, RECREATIONAL FACILITIES OR FACILITIES FOR ANY OTHER SELF LIQUIDATING MUNICIPAL FUNCTION NOT NOW OR HEREAFTER PROHIBITED BY ANY GENERAL LAW OF THE STATE. AND TO ISSUE TO EVIDENCE OBLIGATION CREATED THEREOF. THESE REFER OF COURSE TO REVENUE BONDS.

AND THIS FURTHER STATES ALL ISSUED BY THE CITY SHALL FIRST ARE ISSUED BY THE MAJORITY OF QUALIFIED ELECTORS VOTING ON AN ELECTION HELD FOR SUCH PURPOSE. QUAIN, DON'T YOU THINK? THAT CITIZENS MIGHT ACTUALLY VOTE ON REVENUE BONDS. WHO WOULD HAVE THOUGHT. NOW, THERE AREN'T MANY CITIES TO MY KNOWLEDGE IN THE COUNTRY THAT DO THIS. AND YOU COULD DISMISS THIS AS AN OUTDATED CUSTOM, BUT I THOUGHT THIS COUNCIL HAD -- HAD ADOPTED THE SLOPE AND -- OF KEEPING AUSTIN WEIRD. THE SLOGAN OF KEEPING AUSTIN WIERD. THAT IS KEEPING AUSTIN UNIQUE, I DON'T CARE ABOUT THE WEIRDNESS ONE WAY OR THE OTHER, BUT UNIQUE I DEFINITELY DO CARE ABOUT. MAYBE WE HAVE SOMETHING ON OTHER CITIES. AS SEVERAL OF YOU KNOW WE HAVEN'T VOTED ON REVENUE BONDS IN AUSTIN FOR AROUND 10 YEARS TO VARIOUS -- THROUGH VARIOUS WAYS AND MEANS, THIS RIGHT HAS BEEN EXTRACTED. I HAVE TO COMMEND THE HARD WORKING PEOPLE THAT SUBMITTED THE BOND RECOMMENDATIONS LAST WEEK. I'M SUGGESTING THAT MAYBE YOU SHOULD RECONVENE THEM BECAUSE THEIR JOB ISN'T DONE. THAT MAYBE THEY NEED TO WORK ON REVENUE BONDS FOR THE WATER AND WASTEWATER AND ELECTRIC UTILITIES AS WELL AS THE GENERAL OBLIGATION BONDS. AND FURTHER, IF -- IF -- THERE NEEDS TO BE A REVISION IN THIS CHARTER PROVISION, IF THERE NEEDS TO BE AN AMENDMENT, THEN THEY COULD RECOMMEND IT. BUT AS IT STANDS NOW, [BUZZER SOUNDING] -- AS IT STANDS NOW, I DON'T THINK THEIR JOB IS DONE. AND I WANT MY VOTE BACK.

Mayor Wynn: THANK YOU, MR. ROBBINS. COUNCIL, THAT CONCLUDES ALL OF OUR SPEAKERS TODAY FOR GENERAL CITIZENS COMMUNICATION. WE HAVE NO MORE DISCUSSION ITEMS PRIOR TO SEVERAL BRIEFINGS THAT WE WILL HAVE LATER THIS AFTERNOON. SO WITHOUT OBJECTION, WE CAN NOW GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 151.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM 26, RELATED TO INTERIM DEVELOPMENT REGULATIONS ON CERTAIN SINGLE FAMILY RESIDENTIAL DEVELOPMENTS. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING OUT SOMETIME BETWEEN 1:00 AND 2:00 TO TAKE UP THOSE SCHEDULED

THREE BRIEFING, THANK YOU.

WE ARE OUT OF CLOSED SESSION, WE TOOK UP ITEM NO. 27 IN EXECUTIVE SESSION, NO DECISIONS WERE MADE. WE WILL TAKE UP THAT FORMAL PUBLIC DISCUSSION LATER THIS EVENING. WE WILL NOW GO TO OUR AFTERNOON BRIEFINGS, WE HAVE THREE, TWO ON AUSTIN ENERGY, OUR FIRST ONE IS A STAFF BRIEFING ON THE 2006 BOND ELECTION. IF YOU REMEMBER LAST WEEK WE HAD SOME DISCUSSION HERE ON THE DAIS AFTER RECEIVING THE FEEDBACK FROM THE CITIZEN BOND ADVISORY COMMITTEE. OUR DISCUSSION HERE ON THE DAIS WAS REGARDING, AMONG OTHER THINGS THE TIMING AND WHETHER WE WERE GOING TO TRY TO PULL THE TRIGGER FOR MAY OR NOVEMBER, ALSO WE BEGAN THE DISCUSSIONS ABOUT THE SCALE, SIZE, SCOPE OF INDIVIDUAL PROJECTS ON THAT RECOMMENDED LIST. SO WITH THAT, WE WILL WELCOME MR. GREG CANALE WHO WILL START OUR PRESENTATION.

Futrell: MAYOR, ACTUALLY, THE WAY WE WERE TRYING TO SCHEDULE THIS FOR TODAY IS TO -- BECAUSE SO MUCH DEPENDS ON YOUR DISCUSSION OF TIMING, WE INTENDED TO TRY TO START WITH THE DISCUSSION OF MAY VERSUS NOVEMBER, BASED ON THAT DECISION WE WILL MOVE FORWARD DIFFERENTLY ON THE BRIEFING. GREG, YOU COULD START WITH MAYBE HELPING WITH THE SCHEDULE.

MAYOR, I'M GREG CANALE THE BUDGET OFFICE. BEFORE YOU YOU HAVE A YELLOW SHEET OF PAPER THAT LAYS OUT A PROPOSED -- WHAT YOU HAVE BEFORE YOU IS A PROPOSED BOND CAL LONE STAR IF THERE WOULD BE A MAY ELECTION. WHAT IT LAYS OUT FOR YOU, WITH THE TWO -- THREE REMAINING COUNCIL MEETINGS THAT YOU HAVE PRIOR TO AND INCLUDE THE MARCH 9th COUNCIL MEETING, BRIEFINGS THAT WOULD NEED TO OCCUR. IT ALSO INCLUDES TWO SPECIAL CALLED MEETINGS THAT WE WOULD RECOMMEND THAT YOU CONDUCT TO -- TO PREPARE FOR SETTING AND ORDERING THE BOND ELECTION AND SETTING THE BALLOT.

Futrell: SO MAYBE AS A STARTING POINT OR JUMPING OFF POINT FOR DISCUSSION, I DO DRAW ATTENTION, IN THE SCHEDULE, THIS REALLY IS A VERY TIGHT SCHEDULE, TO

TRY TO COVER EACH OF THE DIFFERENT AREAS, GET THROUGH TO BALLOT, LANGUAGE, DOLLAR AMOUNT, ALL OF THE ISSUES THAT WE HAVE TO ADDRESS, THIS DOES INCLUDE THE WEEK OF SPRING BREAK, DOES IT NOT?

ACTUALLY, CITY MANAGER, IT DOES NOT --

IS THAT IN OR OUT?

THE WEEK OF SPRING BREAK WOULD BE AFTER THE ELECTION WOULD NEED TO BE ORDERED. WHICH IS MARCH 9th. WHAT THIS DOES INCLUDE IS A WEEK IN WHICH THERE IS NO SCHEDULED COUNCIL MEETING.

Futrell: THAT'S IT, THE FEBRUARY 23rd.

FEBRUARY 23rd, AGAIN WE WOULD RECOMMEND THERE WOULD BE A NEED FOR A SPECIAL CALLED MEETING OF THE CITY COUNCIL TO -- TO REVIEW THE BOND PROGRAM AND SET THE BOND PROGRAM.

Mayor Wynn: UNDERSTOOD. QUESTIONS, COMMENTS, COUNCIL? I WILL JUST SAY THAT I KNOW THAT I AM GOING TO HAVE TWO OR THREE QUESTIONS ABOUT THE MAKEUP OR AT LEAST THE RECOMMENDED LIST. AND I'M -- I'M HAVING TO ACKNOWLEDGE THE DIFFICULTY OF THE TIME THAT WILL BE REQUIRED FOR THAT ANALYSIS. BUT I'LL RECOGNIZE OTHER COMMENTS. COUNCILMEMBER DUNKERLY?

Dunkerly: I WAS GOING TO COMMENT I WILL BE OUT AT LEAST FEBRUARY THE 23rd ON THIS SCHEDULE. AND I DO BELIEVE IF WE DIDN'T HAVE TO PROBABLY SCALE DOWN THE BOND PACKAGE, THIS WOULD NOT BE -- THIS WOULD BE MORE DOABLE. BUT IF WE ARE GOING TO CONSIDER MOVING IT FROM THE 614 DOWN TO SOMETHING IN THE 500 MILLION RANGE, THAT'S -- THAT MAKES IT A LITTLE MORE IFFY TRYING TO -- I THINK TRYING TO HANDLE THIS SCHEDULE. THAT WOULD BE MY COMMENTS.

Mayor Wynn: AGREED. QUESTIONS, COMMENTS ON THE CALENDAR DISCUSSION? I GUESS THAT I HAD -- PERHAPS A RELATED QUESTION WITH THE CITY MANAGER. YOU HAD MADE THE COMMENT LAST WEEK, A COMMENT THAT -- OR A

FACT THAT I HAD -- ONCE -- ONE TIME KNEW, BUT HAD FORGOTTEN, THE BONDS THEMSELVES, REGARDLESS OF WHETHER THE ELECTION IS IN MAY OR IN NOVEMBER, BONDS THAT WOULD COME OUT OF THAT VOTER APPROVAL PROCESS -- COULDN'T BE SOLD UNTIL AUGUST OF 2007. IS THAT CORRECT?

Futrell: I KNOW IT'S CONFUSING, WHEN WE ARE TALKING ABOUT THE DIFFERENCE BETWEEN THE BOND ELECTION, THE BOND SALE AND WHEN WE WOULD USE THOSE BONDS. SO LET ME JUST SORT OF LAY THOSE OUT FOR YOU. WHAT YOU ARE REALLY DISCUSSING RIGHT NOW IS WHEN TO HAVE THE BOND ELECTION. WHETHER YOU ARE GOING TO DO THAT IN MAY OR WHETHER YOU ARE GOING TO DO THAT IN NOVEMBER. EVERY YEAR WE HOLD A BOND SALE IN AUGUST OF THAT YEAR. BUT THE POINT THAT WAS BEING MADE LAST WEEK WAS REGARDLESS OF WHETHER YOU HOLD THE BOND ELECTION IN MAY OR NOVEMBER, THE USE OF THE BONDS WILL BE FOR 2007. WE HAVE A FULL CAPITAL PROGRAM ALREADY ON OUR BOOKS, IN OUR BUDGET, UNDERWAY FOR '06. THERE WILL BE A DIFFERENT SET OF MECHANISMS FOR HOW WE PUT THE BOND IN PLAY, WHETHER YOU DO IT IN MAY OR NOVEMBER. BUT THE BONDS THEMSELVES WILL NOT BE USED, THE AUTHORIZATION FOR THOSE BONDS WILL NOT BE USED UNTIL 2007. SO THERE WAS SOME DISCUSSION OF THAT MAY WOULD SOMEHOW MEAN THAT WE WOULD BE USING THE BONDS POSSIBLY IN '06. I JUST WANTED TO CLARIFY THAT WE HAVE A FULL BOND PROGRAM WE ARE FINISHING OUT IN '06 AND IN FACT SOME BOND DOLLARS LEFT TO SELL IN AUGUST OF '06 THAT WILL ROLL INTO 2007. SO WHEREVER -- WHATEVER THE DECISION IS, ON MAY OR NOVEMBER, THE BONDS WILL BE USED FOR THE CAPITAL PROGRAM IN 2007 AND THEN ON FROM THERE. ,

Mayor Wynn: THANK YOU, FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

SPECIFICALLY ON THE TIME LINE, MAYOR --

Mayor Wynn: WELL, YES.

Alvarez: AND THEN I THINK IT SEEMS LIKE A GOOD OUTLINE,

TIME LINE OF HOW TO GO ABOUT THIS. AT ANY TIME DURING THE PROCESS WE CAN DECIDE IF THE ELECTION IS GOING TO BE PUT OFF FOR THIS PARTICULAR PURPOSE, I WAS JUST CURIOUS ABOUT THE MARCH 1st SPECIAL CALLED MEETING AND -- IN TERMS OF BALLOT LANGUAGE AND STRUCTURE AND WHETHER WE NEEDED A FULL DAY OF DOING THAT? FOR DOING THAT? IS THAT HISTORICALLY WHAT IS HAPPENING -- WHAT HAS HAPPENED IN THE PAST, TAKE A WHOLE MEETING JUST TO DISCUSS THAT ISSUE? SISTERS.

COUNCILMEMBER, WE DID AS PART OF THIS PROCESS IN GETTING, PUTTING A PROPOSED CALENDAR, WE LOOKED BACK AT WHAT OCCURRED IN 1998 WHICH WAS A SIMILAR BOND ELECTION, THERE WAS A CITIZENS BOND COMMITTEE THAT MADE A RECOMMENDATION TO THE COUNCIL. IN FACT THEIR WORK SESSIONS WERE -- NOT FULL DAY, WERE -- WERE LONG DAYS. FOUR TO SIX HOURS WORTH OF WORK SESSIONS AND DISCUSSING NOT ONLY THE BOND PROGRAM ITSELF BUT THE BOND BALLOT AND THE STRUCTURE AND HOW THE PROPOSITIONS WOULD APPEAR ON THE BALLOT. IT IS OUR RECOMMENDATION THAT THE COUNCIL WOULD DEVOTE WORK SESSIONS TO CONDUCTING, THAT THAT PROCESS GOING THROUGH THE -- THE DEVELOPMENT OF THE BOND PROGRAM AS WELL AS THE BALLOT STRUCTURE.

Futrell: I THINK ONE OTHER THING THAT I WOULD WANT TO POINT OUT. WE DIDN'T TALK ABOUT THIS A GREAT DEAL LAST NIGHT, THIS IS SOME DIFFERENCE BETWEEN THE 1998 BOND PACKAGE, IT WAS A VERY DIFFERENTLY FINANCIAL TIME IN '98. I THINK THE TASK AT HAND DEPENDING ON WHAT DOLLAR AMOUNT YOU SET FOR BONDS, THE TASK MAY BE VERY DIFFERENT TODAY THAN WHAT WE WERE FACED WITH IN 1998. IT'S POSSIBLE THAT WE CAN GET THROUGH THIS QUICKER. WE HAVE LAID OUT A TASK AND A SET -- A PROPOSITION FOR EACH DAY FOR EACH BRIEFING. WE TRIED TO SPREAD IT OUT ALONG THE CALENDAR TO SEE WHAT IT WOULD TAKE. I SUPPOSE ONE ISSUE COULD GO FASTER THAN ANOTHER AND WE MIGHT FIND OURSELVES WITH SOME TIME. BUT I DO THINK THAT IT'S POSSIBLE THAT IT COULD TAKE THIS AMOUNT OF TIME TO GET IT DONE.

Dunkerly: MAYOR? JUST TO MAKE IT CLEAR, LAST WEEK OR THE LAST TIME WE DISCUSSED THIS, I MADE A STRONG

RECOMMENDATION TO HAVE THE BOND ELECTION IN NOVEMBER. I HAVE NOT CHANGED FROM THAT RECOMMENDATION. I THINK THAT -- I THINK THAT WE DO NEED TO WRAP THE BOND PACKAGE UP AS QUICKLY AS POSSIBLE. SO THAT PEOPLE WILL KNOW WHAT'S IN THE PACKAGE AND IF POSSIBLE GO AHEAD AND SET THAT DATE. BUT -- BUT I THINK THIS IS A VERY AGGRESSIVE SCHEDULE TO TRY TO DO THIS. I FOR ONE AM VERY ANXIOUS TO HAVE A SUCCESSFUL BOND ELECTION. AND I THINK THAT IT WILL TAKE A TIME TO GET PEOPLE FOCUSED AND TO GET PEOPLE REALLY HYPED IT. I KNOW MANY OF -- BEHIND IT. I KNOW MANY OF THE APPLICANTS THAT WORKED ON THE BOND ADVISORY COMMITTEE ARE CHOMPING AT THE BIT AND READY TO GO. I THINK THERE ARE ISSUES THAT WE HAVE TO KNOW CLEARLY ABOUT BEFORE WE MOVE FORWARD WITH THIS BOND ELECTION. I THINK THE MOST PRUDENT THING TO DO IS TO GO AHEAD AND WORK HARD, SET THE AMOUNT AND SET THE -- DO THE ORDINANCES AND AT LEAST AT THIS TIME SET THE ELECTION DATE FOR NOVEMBER.

Mayor Wynn: FURTHER COMMENT FROM ME IS JUST LOOKING AT THIS PROPOSED SCHEDULE, CALENDAR AND RECOGNIZING THAT IT'S -- THAT IT'S DOABLE IN THE CONTEXT AS HOW THE CITY MANAGER OUTLINED IT, BUT I -- I AM IN AGREEMENT WITH COUNCILMEMBER DUNKERLY AS TO THE NEED TO SCALE DOWN THE SIZE OF THE BOND, TOTAL BOND PACKAGE, THE TOTAL DOLLAR AMOUNT. AND SO WITH THAT, IT JUST SEEMS, YOU KNOW, THAT PROCESS WILL TAKE SOME PERIOD OF TIME WITH -- YOU KNOW, WITH A LOT OF DILIGENCE AND IN LOOKING AT THIS CALENDAR, WE ARE - - WE HAVE PUBLIC HEARINGS BEGINNING NEXT WEEK AND SO IT SEEMS TO ME THE -- THE REASON WHY I WOULD WANT TO HAVE -- YOU KNOW, SOME SIGNIFICANT PUBLIC HEARINGS IS BECAUSE I ANTICIPATE THE NEED TO -- TO SUBSTANTIALLY REDUCE THE SIZE MUCH OF THE PACKAGE. SO, YOU KNOW, I JUST -- I DON'T THINK THAT WE ARE GOING TO BE EVEN CLOSE. IF THERE IS EVEN AN AGREEMENT, A MAJORITY AGREEMENT AND THAT IS REQUIRED, I DON'T SEE THAT WORK IS GOING TO BE DONE NEARLY IN TIME TO -- TO THEN GET THE PUBLIC THE ABILITY TO -- TO COMMENT TO US ON IT. SO I'M CONCERNED ABOUT HAVING THE PUBLIC HEARINGS AS EARLY AS NEXT WEEK WHEN I THINK THERE IS

NOT -- IS NOT VERY LIKELY AT ALL THAT -- THAT WE AS A -- AS A COUNCIL WOULD HAVE THE -- YOU KNOW, THE INFORMATION OUT AT -- THAT WE WOULD BE ASKING THE PUBLIC TO COMMENT ON. COUNCILMEMBER MCCrackEN, DID YOU SEE YOUR HAND UP? DID I SEE YOUR HAND UP?

McCracken: LIKE COUNCILMEMBER DUNKERLY, LAST WEEK I I STATED THAT I BELIEVE WE NEED TO SET THE ELECTION FOR NOVEMBER BECAUSE I ALSO LIKE, MAYOR LIKE YOU AND COUNCILMEMBER DUNKERLY, BELIEVE THAT WE WILL NEED TO SCALE BACK THE PROPOSED NUMBER. I MEAN, I BELIEVE \$8,500,000,000 MAXIMUM BOND SIZE TO PROPOSE AND THAT'S GOING TO REQUIRE A LOT OF WORK BY ITSELF. I DO NOT BELIEVE THAT WE CAN BLISH WHAT WE NEED TO DO -- ACCOMPLISH WHAT WE NEED TO DO IN TIME TO SET THE ELECTION IN MAY, SO I FAVOR NOVEMBER. \$850 MILLION.

FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER LEFFINGWELL?

YES. I -- I AGREE WITH ALL OF THE ARGUMENTS THAT I HAVE HEARD FOR DELAY. THERE'S -- THE FACT THAT YOU ARE GOING TO HAVE TO REDUCE THE OVERALL SIZE OF THE BOND PACKAGE IS GOING TO CALL FOR MAJOR READJUSTMENTS. OTHERWISE I DON'T THINK THERE SHOULD BE MAJOR READJUSTMENTS. WE ALSO HAVE SOME OTHER UNKNOWN'S OUT THERE, EXPENSES THAT MAY BE THE RESULT OF A -- OF A CHARTER AMENDMENT ELECTION IN MAY THAT WE DON'T KNOW HOW TO FACTOR IN. AT THE SAME TIME, I THINK THAT WE SHOULD RESPECT THE WORK OF THE BOND ADVISORY COMMITTEE AND OF THE MANY CITIZENS WHO HAVE EXPECTED FOR A LONG TIME THAT THIS BOND ELECTION WOULD BE HELD IN MAY. THERE'S ALSO A POSSIBILITY THAT WE MAY AGREE ON ENOUGH TO HOLD A PARTIAL BOND ELECTION THEN AND DO THE REST OF IT THAT ISN'T SETTLED IN NOVEMBER. I DON'T KNOW WHERE EXACTLY TO GO WITH THIS, BUT MY PREFERENCE WOULD BE TO GO AHEAD AND START THE PROCESS. IF WE FIND WE CAN'T DELIVER ON THE MAY DATE, POSTPONE IT TO NOVEMBER. I HAVE A QUESTION, ALSO, THE CITY MANAGER MAY ANSWER THIS ONE. IF IT IS POSTPONED UNTIL NOVEMBER, IT IS SET IN MAY AND JUNE, HOW SET IS SET?

[LAUGHTER] I'M TRYING TO THINK OF A COUPLE OF CLEVER WAYS TO ANSWER THAT. A SET IS ASSET AS YOU MAKE IT ACTUALLY. AS SET AS YOU MAKE IT ACTUALLY. THE QUESTION WOULD BE ONCE A BALLOT LANGUAGE IS SET COULD IT BE RESET I SUPPOSE IS THE QUESTION.

I SEE AGAIN KNEE GILCHRIST COMING -- JENNY GILCHRIST COMING FORWARD.

RUNNING FORWARD.

ALSO COMMENT ON THE REASONABLE EXPECTATION OF WHAT HOW SET IS SET.

YEAH.

ONCE THE ORDINANCE SETTING THE ELECTION DATES IS ESTABLISHED, WE CAN ALWAYS AMEND THAT ORDINANCE AND CHANGE THE DATE TO A LATER DATE. SO WE COULD SET IT, APE THE ORDINANCE, RE-- SET THE ORDINANCE, RESIT -- ONCE COUNCIL TAKES ACTION TO FORMALLY PUT LANGUAGE ON THE BALLOT, I DO NOT BELIEVE THAT THAT CAN BE [INDISCERNIBLE] [INAUDIBLE - NO MIC]

Leffingwell: AS TO PART B OF THE QUESTION, THE PRACTICAL EFFECT OF IT? I MEAN, ARE WE STILL GOING TO BE LOOKING AT THIS ALL SUMMER LONG AND INTO NOVEMBER?

NO. THE PRACTICAL EFFECT OF IT IS IF YOU ALL MAKE THE DECISION WELL ACTUALLY WHENEVER YOU MAKE THE DECISION, WHEN YOU CALL THIS ELECTION AND SET THE BALLOT LANGUAGE, THE PRACTICAL EFFECT IS WE'RE DONE ON IT.

Mayor Wynn: CITY MANAGER PERHAPS RELATED TO THAT, IF THERE'S THE WILL OF THE MAJORITY OF COUNCIL, ESSENTIALLY NOW TO DECLARE THAT THE PREFERENCE WOULD BE NOVEMBER, DO YOU ALL HAVE A SUGGESTED CALENDAR AS TO WHAT THAT WOULD LOOK LIKE? BECAUSE LIKE WITH COUNCILMEMBER LEFFINGWELL'S COMMENTS, I'M -- YOU KNOW, I'M PREPARED TO GET GOING BECAUSE THERE'S GOING TO BE A LOT OF WORK, PLRL AS WE SCALE THE NUMBER DOWN PRETTY DRAMATICALLY, I THINK

THERE'S GOING TO BE A LOT OF WORK JUST TO GET TO, YOU KNOW, SOME BALLOTS. SO WOULD -- IS THERE A RECOMMENDED CALENDAR THAT ESSENTIALLY HAS US, YOU KNOW, BEGINNING AND CONTINUING WORK ON THIS DEBATE YET HAVE SOME SUGGESTED TIME LINES KNOWING THAT WE HAVE A MONTH OFF IN -- BEHIND ME? WE HAVE A MONTH OFF IN THE MIDDLE OF THE SUMMER. HOW WE GET THERE FOR NOVEMBER.

WE ARE PUTTING UP. WE HAD TO KIND OF SCAN IT UP THERE FOR YOU. PUTTING UP FOR YOU RIGHT NOW WHAT WOULD BE A TENTATIVE SCHEDULE OF THIS COUNCIL BASICALLY SETTING AND CALLING THE BOND PACKAGE. IN NOVEMBER. WHAT'S INCLUDED ON THIS, THE REASON THERE ARE SO MANY LINES ON THIS IS WE WENT ON AND JUST TO GIVE YOU AN IDEA OF WHAT'S AHEAD OF US, IS WE WENT ON AND PUT IN ALL OF YOUR KEY BUDGET DATES AND INCLUDING ALL OF YOUR KEY ELECTION DATES. AND LOADED ON TOP OF THAT WHAT THE BOND PACKAGE WORKLOAD WOULD LOOK LIKE, ALSO. BUT -- BUT THIS ACTUALLY DOES GIVE YOU A CHANCE TO -- TO WORK ON BONDS, WORK THROUGH -- WORK THROUGH BUDGET, IN TWO DIFFERENT TIME FRAMES.

SO, CITY MANAGER, DO WE -- WE LOOK AT THIS AS -- AS ONE WAY TO STRUCTURE THE CALENDAR FOR THE NOVEMBER ELECTION, BUT WE COULD CHANGE SOME DATES LATER. DO WE HAVE TO MAKE A DECISION RIGHT NOW.

Futrell: OH, YEAH. THIS WAS JUST A STAB AT SHOWING HOW TO SPREAD THE DATES OUT. WE CAN OBVIOUSLY MOVE THINGS AROUND.

Kim: STILL HAVE THE PUBLIC HEARINGS --

AS THE CITY MANAGER MENTIONED THIS IS A SUGGESTED TIME LINE. THE PUBLIC HEARINGS YOU COULD SET IF YOU CHOOSE TO HAVE A NOVEMBER ELECTION, WE COULD WORK TO SET THOSE AT LATER DATES, WHETHER IN MARCH OR APRIL.

Futrell: BUT THE GENERAL CONCEPT BEING, WE WOULD HAVE A LITTLE MORE TIME WITHOUT CALLING SPECIAL MEETINGS TO WORK AT A LITTLE MORE LEISURELY PACE, TO WORK

THROUGH MARCH, APRIL, MAY, EVEN JUNE IF WE HAD TO, TO GET THIS PACKAGE SET, DONE, THE ELECTION CALLED.

Kim: WHEN IS OUR COUNCIL RETREAT, AND THE DRAFT POLICY.

Futrell: DRAFT POLICY BUDGET --

25th.

THAT'S CORRECT.

Kim: COULD WE SWITCH THAT? SO THAT WE HAVE THE RETREAT BEFORE THE POLICY BUDGET AND ALSO BEFORE WE SET THE BOND ELECTION? LANGUAGE? COULD WE MOVE UP THE RETREAT TONY PARKER THE REASON THAT THE RETREAT --

Futrell: THE REASON THE RETREAT IS WHERE IT IS, WE HAD MOVED THROUGH THE REST OF THE COUNCIL WITH WANTING THE NEW COUNCIL ON BOARD FOR THE RETREAT. THAT WAS THE DESIRE WHEN WE MOVED IT TO THESE DATES. AND I REALIZE THAT WE STRUGGLE WITH HOW THAT FITS WITH THE BUDGET. NOW, ONE OF THE THINGS THAT WE WERE GOING TO TRY TO DO IS WORK ON THE POLICY BUDGET TO DO A WORK SESSION WITH THE EXISTING COUNCIL TO PREP FOR THE POLICY BUDGET. BUT YOU ARE RIGHT, THE RETREAT RIGHT NOW, IF THE DESIRE REMAINS TO DO IT WITH THE NEW COUNCIL, DOESN'T FIT NEATLY BEFORE POLICY BUDGET.

Kim: THAT'S DETERMINED WHETHER OR NOT THERE'S A RUNOFF ELECTION, WHO WOULD BE DECIDED TO BE INCLUDE UNDERSTAND THAT RETREAT.

Futrell: THAT'S RIGHT.

Kim: IF WE DON'T HAVE A RUNOFF ELECTION, I DON'T KNOW IF ANYONE CAN CALL THAT, WOULD THERE BE AN OPTION TO MOVE UP THE RETREAT TO DO THAT BEFORE THE DRAFT POLICY BUDGET PRESENTATION? BECAUSE THE WITH HIM THAT IT'S USUALLY DONE -- THE WAY THAT IT'S USUALLY DONE A CITY COUNCIL HAS A RETREAT BEFORE THE DRAFT

POLICY BUDGET IS PRESENTED SO THAT THEY COULD HAVE INPUT IN THAT BEFORE THE DRAFT IS COMPLETED.

Futrell: WELL, THIS WOULD BE -- WOULD GIVE YOU FEEDBACK OBVIOUSLY BEFORE YOUR PROPOSED BUDGET BUT YES IT IS NOT BEFORE YOUR POLICY BUDGET AND THE COUNCIL CAN ALWAYS CHANGE THE DATE OF THE RETREAT. WE HAVE BEEN TRYING TO GET A DATE EVERYONE WILL AGREE ON SO YES WE CAN CHANGE THE DATE ANY TIME WE CAN COME TO AGREEMENT ON WHEN TO HAVE IT.

Kim: I WOULD LIKE TO BLOCK A DATE ASSUMING THERE'S NO RUNOFF ELECTION, THEN WE CAN HOLD THIS DATE IF THERE'S A RUNOFF ELECTION IF THAT'S POSSIBLE. FOR THE COUNCIL RETREAT, BEFORE THE POLICY BUDGET. WE HAVE ALL OF THESE THINGS, I'M LOOKING AT THE CALENDAR RIGHT NOW THAT I THINK WE NEED TO GET SORTED OUT AS FAR AS THE BOND AS LONG AS WELL AS THE POLICY BUDGET, AS WELL AS THE COUNCIL RETREAT WHICH AFFECTS THE POLICY BUDGET. SO ...

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I THINK REGARDLESS OF WHETHER THERE'S A RUNOFF OR NOT, THE NEW COUNCILMEMBERS TAKE OFFICE ON THE SAME DAY REGARDLESS OF WHETHER THERE'S A RUNOFF OR NOT. I DON'T KNOW THAT THAT HELPS OR HURTS. AT LEAST THOSE THAT AREN'T IN THE RUNOFF YET WITH PARTICIPATE IN THE RETREAT. AS SOMEONE WHO WON IN A RUNOFF THEN OBVIOUSLY WOULD APPRECIATE BEING INCLUDED. BUT NOW ARE WE GOING TO ACTUALLY VOTE ON THE DATE, MAYOR? I THINK FOR --

YOU ARE POSTED.

Mayor Wynn: WE ARE POSTED JUST IN CASE. WE WOULDN'T -- I THOUGHT WE WANTED TO HAVE THE FLEXIBILITY TO EITHER DO IT OR NOT. TO HAVE DISCUSSION ABOUT THE TWO RECOMMENDED CALENDAR SCHEDULES BASED ON THAT. AND WITH THAT IN MIND, MY ONLY COMMENT ABOUT THE -- MAIN COMMENT ABOUT THE NOVEMBER BOND ELECTION RECOMMENDED CALENDAR IS THAT WE STILL HAVE THE PUBLIC HEARINGS NEXT WEEK AND JUST SEEMS

TO ME THAT -- THAT THE -- MY PREFERENCE WOULD BE THAT WE HAVE PUBLIC INPUT AND PUBLIC HEARINGS ONCE AND IF -- YOU KNOW, IF THERE'S SIGNIFICANT ADJUSTMENTS MADE TO THE RECOMMENDED BOND PACKAGE, THEN THAT'S WHEN AT LEAST I WOULD WANT TO HAVE AS MUCH PUBLIC FEEDBACK AS PRACTICAL. SEEMS TO ME IF WE GO TO NOVEMBER, THOSE TWO PUBLIC HEARINGS NEED TO BE MUCH LATER. I KNOW WE WILL BE HAVING THE BUDGET PUBLIC HEARINGS AS WELL, BUT I THINK THE PUBLIC HEARINGS SHOULD COME AFTER ANY MAJOR ADJUSTMENT TO THE PACKAGE.

WE WILL TAKE IN ALL OF THIS FEEDBACK, WORK ON SOME OTHER PRELIMINARY SCHEDULES FOR ALL OF YOU TO TAKE A LOOK AT, GIVE US SOME FEEDBACK ON IT.

Alvarez: MAYOR, WHERE I'M STRUGGLING IS I'M HAVING DIFFICULTY BEING ABLE TO SUPPORT THE IDEA OF PUTTING OFF A BOND ELECTION YET BEING ABLE TO SET THE ELECTION THAT'S GOING TO OCCUR DURING SOMEONE ELSE'S TENURE ON THE CITY COUNCIL AND SO I WOULD LIKE THE ABILITY TO EITHER VOTE FOR MAY OR AGAINST NOVEMBER OR ABSTAIN OR SOMETHING FOR THE RECORD TO SHOW THAT I PERSONALLY I MEAN I DON'T BELIEVE THAT -- THAT THAT'S -- THAT'S ONE OF THE THINGS THAT I SHOULD BE INVOLVED IN. BUT WILL BE INVOLVED WITH IF GIVEN THE OPPORTUNITY. BUT IN TERMS OF, YOU KNOW, JUST AS A SITTING COUNCILMEMBER OR AS A NEW INCOMING COUNCILMEMBER THEN FOR SOMEONE ELSE TO DECIDE WHAT OCCURS WHILE I'M ON THE CITY COUNCIL IS SOMETHING THAT DOESN'T RUB ME THE RIGHT WAY THERE. IF WE COULD TAKE FORMAL ACTION, I WOULD LIKE FOR THE RECORD TO SHOW THAT, I MEAN, MY PREFERENCE IS JUST TO MOVE FORWARD UNDER THE ORIGINAL TIME FRAME, WHICH WAS TO HAVE A MAY ELECTION IN 2006. AND IF THE MAJORITY OF COUNCIL CHANGES THAT AND ADOPTS SOME TIME LINE, THEN, YOU KNOW, I WILL ABIDE BY THAT. BUT I JUST WANT TO HAVE THAT OPPORTUNITY TO -- TO SHOW FOR THE RECORD THAT I PREFERRED THIS ORIGINAL TIME LINE, WHICH COINCIDED WITH MY TENURE ON THE COUNCIL VERSUS, YOU KNOW, THIS ALTERNATE TIME LINE WHICH KIND OF IS BIFURCATED BY THE TEN YOUR OF AT LEAST ONE OR -- TENURE OF AT LEAST ONE OR MORE

COUNCILMEMBERS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. NOW, CITY MANAGER REMIND ME, SEEMS TO ME COUNCIL BEFORE -- IF WE WANT TO TAKE ACTION BEFORE WE WOULD DO THAT HERE THIS AFTERNOON, YOU STILL HAVE A LIMITED PRESENTATION REGARDING BONDING.

Futrell: YES.

Mayor Wynn: THEN PERHAPS WE COULD GO AHEAD AND HAVE THAT PRESENTATION, GET THAT INFORMATION.

SURE.

Mayor Wynn: THEN TEE UP THE DEBATE AGAIN ABOUT BOTH THE ELECTION DATE AND THE CALENDAR LEADING UP TO THAT DATE.

Futrell: WHAT WE WILL DO HERE IS START WITH SORT OF A GENERAL FRAMING OF SOME OF THE ISSUES THAT YOU NEED TO START THINKING ABOUT AS WE BEGIN THE DISCUSSION OF BONDS, INCLUDING A PRIMER QUESTION, WHICH IS WHAT IS THE TARGET DOLLAR AMOUNT YOU WANT TO START SHOOTING FOR AND GREG?

THANK YOU, CITY MANAGER, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, TODAY WE WILL TAKE JUST A BRIEF TIME TO WALK YOU THROUGH SETTING UP THE BOND PROCESS. TODAY I'LL USE OUR TIME TO LAY OUT THE SEQUENCE OF THE NEXT STEPS TO THIS BOND ELECTION PROCESS. I WILL THEN LEAD YOU THERETO THE STRUCTURE OF BOND BALLOTS, FINALLY DISCUSS THE BOND BROCHURES THAT ARE USED TO COMMUNICATE THE BOND ELECTION PROGRAM TO CITIZENS. AT FUTURE BRIEFINGS WE WILL SUGGEST HOW TO PROCEED WITH ESTABLISHING THE BOND PROGRAM ITSELF, THE COMPONENTS OF THE BOND ELECTION, THE SIZE OF THE BOND ELECTION AND THE FUNDING FOR EACH OF THE COMPONENTS. THE FIRST PHASE OF THIS BOND ELECTION IS NOW COMPLETE. THE NEEDS ASSESSMENT AND FINANCIAL CAPACITY WERE PRESENTED TO THIS -- TO THE COUNCIL ALMOST A YEAR AGO. THEY WERE THEN FOLLOWED 10 MONTHS LATER BY A

RECOMMENDATION FROM THE APPOINTED BOND ELECTION ADVISORY COMMITTEE. THIS RECOMMENDATION WAS PRESENTED TO YOU AT LAST WEEK'S COUNCIL MEETING. THE SECOND PHASE OF THE BOND PROCESS IS THE ONE THAT WE BEGIN TODAY. THIS INCLUDES DETERMINING THE BOND PROGRAM, AGAIN THE OVERALL SIZE, THE COMPONENTS, AND THE AMOUNT OF FUNDING FOR EACH OF THESE COMPONENTS. ESTABLISHING THE BALLOT STRUCTURE, THIS IS HOW THE PROPOSITIONS WILL ACTUALLY APPEAR ON THE BALLOT AND CREATING A BALLOT AND BOND INFORMATION BROCHURE THAT WILL COMMUNICATE TO AUSTIN CITIZENS YOUR VISION OF THE BOND LEAK. WE WILL BE USING TODAY'S PRESENTATION TO DISCUSS EACH OF THESE WITH YOU. AT ONE POINT YOU WILL TAKE OFFICIAL ACTION VIA ORDINANCE TO ORDER THE ELECTION AND SET THE BALLOT. THIS PHASE OF THE BOND PROCESS WILL OF COURSE END WITH THE ELECTION ITSELF. BUT YOUR WORK AND DIRECTION WILL ONLY CONTINUE BEYOND THE ELECTION. THE THIRD AND FINAL PHASE WILL BE THE IMPLEMENTATION OF THE BOND PROGRAM THROUGH THE SELECTION AND APPOINTMENT OF A BOND OVERSIGHT COMMITTEE TO GUIDE THE IMPLEMENTATION PROCESS. THE ANNUAL FIVE YEAR C.I.P. PLAN WHICH WILL DETAIL HOW AND WHEN OVER THE SIX YEARS THAT THIS PROGRAM WILL BE FUNDED. THE ANNUAL CAPITAL BUDGET IN WHICH THE SPECIFIC PROJECTS WILL BE APPROPRIATED AND THIS DIRECTION WILL CONTINUE ON WITH CONTRACT AWARDS FOR SPECIFIC PROJECT, THE PROJECT MONITORING AND REPORTING, QUARTERLY FINANCIAL REPORTS. IT'S DURING THIS THIRD PHASE THAT SPECIFIC PROJECTS FOR SOME CERTAIN COMPONENTS OF A BOND PROGRAM, TRANSPORTATION, DRAINAGE, RENOVATIONS, WILL BE SELECTED FOR A UNIVERSE OF PROJECTS, BASED ON WELL ESTABLISHED CRITERIA. I THOUGHT IT WOULD BE HELPFUL TODAY TO FAST FORWARD TO HOW THE BOND PROGRAM YOU CREATE WOULD LOOK ON THE ACTUAL BALLOT. TYPICALLY A BOND BALLOT IS COMPRISED OF MULTIPLE PROPOSITIONS. FOR EXAMPLE, IN 1998, THERE WERE FIVE GENERAL OBLIGATION DEBT PROPOSITIONS, ONE FOR TRANSPORTATION, ONE FOR PARKS AND LAND, ONE FOR PUBLIC SAFETY FACILITIES, ONE FOR LIBRARIES AND CULTURAL FACILITIES AND FINALLY ONE FOR DRAINAGE.

WHY NOT JUST ONE PROPOSITION FOR THE WHOLE PROGRAM. WELL, TEXAS LAW TELLS US THAT THE USES OF THE FUNDING APPROVED BY VOTERS IN EACH BOND PROPOSITION MUST BE SUFFICIENTLY RELATED. FOR EXAMPLE, STREET RECONSTRUCTION AND CENTRAL LIBRARY MUST BE PRESENTED TO VOTERS SEPARATELY. THE IDEA BEING THAT A VOTER MAY LIKE THE CENTRAL LIBRARY, BUT NOT LIKE STREET RECONSTRUCTION AND THAT VOTER SHOULD NOT BE COMPELLED TO VOTE FOR SOMETHING THEY DON'T WANT, STREET RECONSTRUCTION, IN ORDER TO GET SOMETHING THEY DO WANT, THE CENTRAL LIBRARY. AS YOU WILL SEE ON THE NEXT SLIDE, PROPOSITION LANGUAGE DOES NOT HAVE TO NAME SPECIFIC PROJECTS, BUT INSTEAD CAN DESCRIBE THE TYPES OF PROJECTS WITH SIMILAR PURPOSES THAT WOULD BE CARRIED OUT. LET'S TAKE A LOOK AT SLIDE FIVE BEFORE YOU. THE ACTUAL BALLOT LANGUAGE FROM THE 1998 BOND ELECTION, PROPOSITION 1, REFERRED TO AS THE TRANSPORTATION BONDS. ALLOW ME TO POINT OUT SEVERAL IMPORTANT COMPONENTS OF THE BALLOT LANGUAGE. FIRST, THE BALLOT STATES THE AMOUNT OF FUNDING FOR WHICH THE CITY IS SEEKING VOTER APPROVAL TO ISSUE THE BONDS FOR. SECOND, IT SPECIFIES THEY ARE TAX SUPPORTED BONDS. IN FACT THE LAST SENTENCE STATES THAT A LEVY OF TAX SUFFICIENT TO PAY THE BONDS WILL RESULT FROM APPROVING THIS PROPOSITION. THE THIRD, THE PROPOSITION LANGUAGE DISCUSSES THE TYPES OF PROJECTS, AGAIN ALL RELATED TO A SINGLE PURPOSE, THAT THESE BONDS WILL BE USED ON. BUT IN FACT DOES NOT LIST THE SPECIFIC PROJECTS THEMSELVES. FOR EXAMPLE IT DOES NOT SAY THAT WE WILL BE CONSTRUCTING LAVACA STREET AS WE WILL DISCUSS IN A MOMENT THE BONDS BROCHURE IS WHERE THE SPECIFIC PROJECTS ARE DISCUSSED IN MORE DETAIL. THE BALLOT STRUCTURED THIS WAY TO ALLOW SOME FLEXIBILITY AS RELATES TO SPECIFIC PROJECTS AND/OR LOCATIONS. INSTEAD OF LISTING THE TYPES OF PROJECTS, THE BALLOT LISTED THESE SPECIFIC PROJECTS THE CITY COULD ONLY USE THE PROCEEDS ON THOSE SPECIFIC PROJECTS. LET'S SAY LAVACA AND COLORADO WERE LISTED IN THE BOND BALLOT FOR RECONSTRUCTION, BUT IN TWO YEARS TIME THE CITY NEEDS TO RECONSTRUCT

GUADALUPE STREET. WE WOULD NOT BE ABLE TO USE THESE BOND PROCEEDS ON GUADALUPE BECAUSE IT WAS -- WOULD NOT HAVE BEEN MENTIONED IN THE PROPOSITION LANGUAGE. THERE IS SOME FLEXIBILITY BUILT INTO THE LEGAL BALLOT LANGUAGE THE CITY DOES COMMUNICATE THE INTENDED PROJECTS FOR WHICH THE FUNDING MAY BE USED. THIS IS DONE VIA THE BOND BALLOT BROCHURE. THE BOND BALLOT BROCHURE, THREE TIGHT WORDS TO SAY TOGETHER. HERE'S IS A PAGE FROM THE 1998 BROCHURE. THIS IS A CRITICAL TOOL COMMUNICATING THE VISION OF YOUR PROGRAM TO THE VOTERS. THE TOP SECTION OF THE BROCHURE, AS YOU CAN SEE HERE. SHOWS THE BALLOT LANGUAGE AS IT WILL APPEAR TO THE VOTERS ON THE BALLOT ON ELECTION DAY. MORE IMPORTANTLY THIS BROCHURE CANES DESCRIPTIONS OF THE PROGRAM AND PROJECT DETAILS IN DETERMINING HOW TO SPEND BOND FUNDS THE BOND LANGUAGE AND THE BROCHURE DESCRIPTIONS ARE TAKEN TOGETHER. PROJECTS SPECIFICALLY NAMED MAY TAKE PRECEDENCE OVER OTHER SIMILAR BUT UNNAMED PROJECTS. ON THE NEXT SLIDE IS THE DETAIL OF THE PROJECT INFORMATION SECTION OF THE BOND BROCHURE. WHAT THIS DOES IS IT LAYS OUT FOR THE VOTERS WHAT THEY CAN EXPECT FROM THE BOND PROGRAM. SPELS OUT NOT ONLY THE SPIRIT OF WHAT WILL BE ACCOMPLISHED BUT WHAT THE INTENDED PROJECTS COULD BE. FOR THIS TRANSPORTATION PROPOSITION IN 1998 IT SPELLED OUT THE SPECIFIC STREET IMPROVEMENT PROJECTS FOR EXAMPLE. ALSO THE STREETS THAT COULD BE RECONSTRUCTED. WE DO INCLUDE LANGUAGE SUCH AS NOT LIMITED TO TO ALLOW US TO DO OTHER STREETS IF OVER THE COURSE OF THE BOND PROGRAM IT BECOMES NECESSARY TO DO OTHER STREETS. BUT THE INTENT IS TO CARRY OUT WHAT IS LISTED. THIS LANGUAGE IS STRUCTURED DIFFERENTLY FOR EACH PROPOSITION. FOR EXAMPLE, PROPOSITION 4 FROM THE NATE BOND ELECTION FOR LIBRARIES AND CULTURAL FACILITIES LISTED THE INDIVIDUAL SIX LIBRARY EXPANSIONS, THE CARVER MUSEUM, AND THE MEXICAN-AMERICAN CULTURAL CENTER IN THIS INFORMATION. SEVEN YEARS LATER NOW THESE ARE THE PROJECTS THAT HAVE BEEN COMPLETED OR HAVE ALREADY STARTED. NO OTHER PROJECTS THAT WERE LISTED HERE HAVE BEEN DONE. IT

WAS THESE 8 ALONE. SO AGAIN EACH PROPOSITION BROCHURE HAS DIFFERENT LANGUAGE WRITTEN UP FOR IT DEPENDING ON THE TYPE OF PROPOSITION IT IS. IN THE COMING MONTHS AT COUNCIL MEETING AND SPECIAL CALLED MEETINGS THAT WE WILL HAVE WITH YOU, YOU WILL BEGIN DELIBERATING ON THE BOND PROGRAM. MOST IMPORTANTLY AS THE CITY MANAGER MENTIONED IS THE SIZE OF THAT BOND PROGRAM. BUT ALSO THERE WILL BE DECISIONS THAT NEED TO BE MADE ON THE COMPONENTS OF THE BOND PROGRAM AND THE FUNDING FOR EACH OF THEM. YOU HAVE BEFORE YOU BOTH THE CITY MANAGER'S NEEDS ASSESSMENT FROM LAST YEAR AND THE RECOMMENDATION FROM THE BOND ELECTION ADVISORY COMMITTEE THAT YOU RECEIVED LAST WEEK. IT'S NOW UP TO YOU TO CRAFT THE BOND PROGRAM THAT BE PUT ON THE VOTERS. THE NEEDS ASSESSMENT AND THE BOND COMMITTEE RECOMMENDATION ARE MEANT TO PROVIDE YOU WITH FRAMEWORK FOR IN DECISION MAKING PROCESS. AS PART OF THAT DECISION MAKING PROCESS, YOU WILL BE LOOKING AT THE CITY'S FINANCIAL CAPACITY FOR ISSUING BONDS. BEFORE YOU HERE IS A RECAP OF THE FOUR SCENARIOS THAT WE HAVE PREVIOUSLY PRESENTED. MAINTAINING THE EFFECTIVE TAX RATE, WE WERE ABLE TO RAISE AN ADDITIONAL 270 MILLION -- \$279 MILLION IN BONDING CAPACITY. AN ADDITIONAL ONE CENT ABOVE THE EFFECTIVE RATE IN FISCAL YEAR '07 WOULD YIELD \$360 MILLION BONDING CAPACITY, ONE CENT IN EACH OF TY '07 AND FY 2008 GETS YOU NEAR \$500 MILLION, ONE CREPT IN EACH THREE CONSECUTIVE YEARS WOULD YIELD A \$600 MILLION BOND ELECTION. AS YOU CAN SEE IN THE SLIDE, WE PUT VERY IMPORTANT STATISTICS AND METRICS ABOUT OUR BONDING CAPACITY, BOTH OUR DEBT PER CAPITA, OUR DEBT TO ASSESS VALUATION. AS A POINT OF REFERENCE, OUR FINANCIAL POLICIES STATE THAT OUR DEBT TO AV CANNOT EXCEED 2%, WHILE IT'S 1.6 NOW, WHICH IS IN LINE WITH OTHER TEXAS CITIES, OUR DEBT PER CAPITA IS THE HIGHEST IN THE STATE. SO AGAIN AS YOU MOVE FORWARD IN WORKING ON YOUR BOND PROGRAM, THIS IS AN IMPORTANT FILTER WHICH IS THE CITY'S BONDING CAPACITY.

GREG, IF YOU WILL JUST BACK UP FOR ONE SECOND AND GO

BACK TO SLIDE 8, WHICH IS WHERE YOU LIST SIDE BY SIDE THE FIRST PIECE WE DID WHICH WAS THE NEEDS ASSESSMENT, AND THEN THE NEXT STEP WHICH IS THE BOND COMMITTEE'S RECOMMENDATION, WHICH IS AT 6:14. NOW THAT WOULD THEN FIT A LITTLE OVER THE 600 MILLION, THE THREE PENNY SCENARIO, BUT WHAT WOULD THE OPERATION AND MAINTENANCE TAX INCREASE BE ASSOCIATED WITH THE BOND PACKAGE AS RECOMMENDED BY THE BOND COMMITTEE.

IT IS NEAR. APPROXIMATELY \$5 MILLION IN ANNUAL O AND M COSTS WHICH EQUATES TO APPROXIMATELY ONE CENT TAX INCREASE FOR THE O AND M TAX RATE.

ALL RIGHT. COUNCIL, WHAT -- WHAT WE HAVE IN FRONT OF US THEN IS YOUR -- THE LAST RECOMMENDATION THAT YOU HAVE, THE BOND COMMITTEE'S RECOMMENDATION AT 614.8, WHICH IS A LITTLE OVER 3 CENTS. WITH AN O AND M IMPACT OF AN ADDITIONAL PENNY AND OUR NEXT STEPS WOULD BE TO GO INTO BRIEFING YOU ON EACH OF -- OF THE SECTIONS OF THIS. STARTING WITH ROADS, GOING TO DRAINAGE, WHAT'S IN, WHAT'S NOT, BUT BEFORE I THINK WE COULD DO THAT, WE WOULD NEED TO HAVE SOME SENSE FROM YOU OF WHERE YOU WANT TO BE IN TERMS OF TOTAL AMOUNT. WHAT'S THE SIZE OF THE BUCKET. SO THERE ARE REALLY TWO DIGS TREES. MAY OR NOVEMBER, AND THE SIZE OF THE BUCKET. HOW BIG SHOULD THE BOND PROGRAM BE. GREG, ANYTHING ELSE?

I THINK THAT'S IT, CITY MANAGER. I THINK THAT LAYS THE GROUND WORK WITH THE RECOMMENDATION AMOUNTS AND THE FINANCIAL CAPACITY TO HELP THE COUNCIL MOVE FORWARD IN THE BOND PROCESS.

COMMENT, QUESTIONS, COUNCILMEMBER DUNKERLY.

Dunkerly: AGAIN THE SIZE, IF I CAN JUST LAY SOMETHING OUT, THINK THE GENERAL PACKAGE THAT I WOULD LIKE TO TRY TO GET DOWN TO ABOUT THE 500 MILLION RANGE, I THINK IN LOOKING AT THE NUMBERS WE MIGHT COULD GO A BIT ABOVE THAT TO PICK UP THE ECONOMIC DEVELOPMENT ACTIVITIES LIKE THE FILM SOCIETY PROJECT AND THE ASIAN CULTURAL CENTER, SO I'M REALLY LOOKING AT ABOUT 500

TO 510, 15, SOMETHING IN THAT RANGE. SO THAT'S JUST AN IDEA.

THANK YOU, COUNCILMEMBER. I'LL SAY THAT I TEND TO AGREE WITH THAT ANALYSIS. I'VE HAD A NUMBER OF DISCUSSIONS WITH COUNCILMEMBER AS SHE HELPED ME UNDERSTAND HOW SHE GOT TO THAT FIGURE. I THINK THEY ARE SOUND JUDGMENT -- THERE'S SOUND JUDGMENT BEHIND IT. COMMENTS, COUNCILMEMBER MCCrackEN?

McCracken: AGAIN I ECHO THAT. WE HAVE OUR OBI WAN KENOBI CITY COUNCIL ON BUDGET MATTERS, COUNCILMEMBER DUNKERLY, I HAVE A LOT OF CONFIDENCE AND TRUST IN HER ASSESSMENT AS -- THAT'S ENOUGH FOR ME.

COMMENTS, QUESTIONS? AGAIN THE CITY MANAGER IS LOOKING FOR -- TWO POINTS OF DIRECTS, ONE IS THE -- THE SIZE OF THE -- THE ESTIMATED SIZE OF A -- OF A PACKAGE THAT THE MAJORITY OF COUNCIL WOULD SUPPORT. AND IT SEEMS TO ME THAT IF IT'S -- IF IT VARIES YOU KNOW SIGNIFICANTLY FROM WHAT WAS RECOMMENDED THEN I WANT TO INQUIRE -- ADDITIONAL LAYER, GOING TO REQUIRE AN ADDITIONAL LAYER, ADDITIONAL EFFORT FOR US AS A COUNCIL TO COME TO THE AGREEMENT OF WHAT WOULD BE THE INDIVIDUAL COMPONENTS OF THAT SMALLER NUMBER. THAT WOULD BEG THE QUESTION AS TO WHEN THE ELECTION WOULD BE AND WHAT CALENDAR WE WOULD USE TO GET TO THAT ELECTION. FURTHER COMMENTS REGARDING THE -- THE SCALE OR SIZE OF THE TOTAL BOND PACKAGE? IT SOUND AS THOUGH THERE'S OWE OAT DIRECTION THAT WE HAVE HEARD, THERE'S -- YOU KNOW, THERE'S SIGNIFICANT INTEREST IN, YOU KNOW, PRETTY SIGNIFICANT 15 -- YOU KNOW, 15 TO 20% SMALLER PACKAGE THAN WAS PRESENTED. AND AGAIN MY INSTINCT, YOU KNOW, BASED ON THAT IS THAT IT'S GOING TO TAKE A SIGNIFICANT AMOUNT OF TIME FOR US TO COME UP WITH THE PACKAGE THAT WE WOULD THEN EVEN GET SOME PUBLIC INPUT ON, SOMETIME -- SOMETIME LATER THIS SPRING EVEN EARLY SUMMER. COUNCILMEMBER KIM?

Kim: I HAVE A QUESTION ABOUT IF WE WERE TO GO TO LIKE 515, 525, HOW THAT WOULD BE SPREAD OUT OVER THE

THREE FISCAL YEARS IN '07, 0U8 AND '0.

ONE MORE TIME.

THERE'S ONE SET IN FY 2007 AND 2008 FOR 499 MILLION, ONE CENT ABOVE EFFECTIVE IN 2004, 2008, 2009 FOR 100 MILLION, IF WE GO IN BETWEEN, HOW DO WE SPREAD THAT OUT?

IT WOULDN'T BE A SIGNIFICANT DIFFERENCE WITH FIVE OR -- 15 MILLION ABOVE THE 500 MILLION, BUT --

COUNCILMEMBER, THE CITY MANAGER IS CORRECT. THESE ADDITIONAL BONDING CAPACITIES WHILE WE HAVE PUT UP EXACT DOLLARS, THEY CAN BE MASSAGED ON EITHER SIDE, FIVE MILLION ON EITHER SIDE OF THAT. AND SO -- SO 500 MILLION TO 515 MILLION BOND PACKAGE WOULD STILL BE WITHIN THE RANGE OF A TWO CENT DEBT TAX RATE INCREASE, ONE CENT IN EACH TWO CONSECUTIVE YEARS.

WHAT WE CAN DO IS WE WILL RUN SOME NUMBERS ON STRUCTURING AS YOU FRAME QUESTIONS FOR US AND SHOW YOU HOW THAT CAN LAY OUT. ACROSS THE YEARS. SO WE WOULD STICK TO -- TO SPREADING IT OVER TWO YEARS VERSUS THREE YEARS?

I THINK PROBABLY --

EXPLAIN THE DIFFERENCE OR SOMETHING LIKE THAT TO GET THE DEBT PER CAPITA -- DOES IT HAVE AN EFFECT ON THE DEBT PER CAPITA IN TERMS OF WHEN WE -- IF WE SPREAD IT OVER TWO OR THREE YEARS?

Futrell: YES. OBVIOUSLY THE MORE -- THE MORE DEBT THAT YOU ADD IN A GIVE VERY MUCH YEAR IS GOING TO RAISE THE DEBT PER CAPITA.

FOR THAT CAREER.

YES.

THEN A SNAPSHOT IN TIME, YES.

OKAY. THANK YOU.

Mayor Wynn: COMMENTS? QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, SEEMS LIKE THERE'S AGREEMENT ON THIS SO COULD WE HAVE A MOTION AND OFFICIAL ACTION? I MEAN IT SEEMS LIKE THERE'S AN ACTION BEING TAKEN, BUT WHY WOULD THERE BE A HESITANCY TO ACTUALLY ADOPT IT FORMALLY, BUT -- BUT I'M NOT SURE AGAIN HOW ELSE I COULD GET ON THE RECORD THAT I'M NOT SUPPORTING THE -- YOU KNOW CHANGING THE DATE TO NOVEMBER. BUT I GUESS I COULD TRY TO WORK WITH THE CITY CLERK ON THE MINUTES.

Mayor Wynn: I ANTICIPATE SOME ACTION COUNCILMEMBER. TECHNICAL QUESTION FOR PERHAPS MR. SMITH. SO THE CITY MANAGER IS -- IS -- REQUEST OF US WAS TO GIVE HER DIRECTION AS TO THE SIZE OF THE TOTAL PACKAGE OF THE BUCKET AS SHE LIKES TO REFER TO IT. ARE WE POSTED BROADLY ENOUGH TO WHERE WE COULD TAKE A MOTION AND HAVE A VOTE ON AN ESTIMATED SIZE -- I THINK IT WOULD DICTATE WHAT WOULD BE -- THE NEXT VOTE WOULD BE -- IF THERE'S SIGNIFICANT DIFFERENCE THAN THE -- THAN THE ADVISORY COMMITTEE'S RECOMMENDATION, I THINK THERE'S GOING TO BE THE INSTINCT TO PUSH THE ELECTION BACK TO ADD MORE TIME TO DO THE ANALYSIS, MORE TIME TO GET PUBLIC INPUT. WOULD THAT BE GERMANE TO OUR POSTING?

YOU WERE POSTED, MAYOR, TO APPROVE THE CALENDAR AND CERTAINLY UP TO NOW THE DISCUSSION THAT COUNCIL HAS BEEN HAVING ABOUT THE SIZE OF THE POSSIBLE BOND PACKAGE IS GERMANE TO THE DECISION ON SETTING THE CALENDAR FOR THE ELECTION. BUT I DO NOT BELIEVE THAT YOU ARE POSTED TO TAKE A VOTE ON THE SIZE OF THE BOND PACKAGE.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL. >>

Leffingwell: I DON'T KNOW, MAYBE IT'S BECAUSE I'M AN ENGINEER ON TRAINING, SO FAR THE DISCUSSION THAT I HAVE HEARD ABOUT THE SIZE SEEM A LITTLE BIT

UNSCIENTIFIC. I WONDER IF WHEN WE ARE POSTED TO SET THE CAP OR THE LIMIT IF WE COULD HAVE SOME FINANCIAL -
- SOME HARD AND FAST BASIS FOR IT LIKE FOR EXAMPLE WHAT IS THE MAXIMUM AMOUNT IT COULD BE WITHOUT TRIGGERING A ROLL BACK ELECTION, WHAT IS THE MAXIMUM AMOUNT IT COULD BE AND STILL BE WITHIN THE TWO CREPT RANGE THAT WAS BEING DISCUSSED FOR THAT 500 AND 515 RANGE.

COUNCILMEMBER, DURING THE UPCOMING COUNCIL WORK SESSIONS AND BRIEFINGS THAT WE SCHEDULE AT A FUTURE DATE, THAT WILL DEFINITELY BE PART OF THE DISCUSSION, INFORMATION THAT WE PRESENT TO YOU AS YOU DETERMINE THE SIZE OF THE BOND PACKAGE, WE WILL BRING TO YOU MUCH MORE DETAIL THAN YOU HAVE HERE ON THE TAX IMPLICATIONS AND THE SPECIFICS OF -- OF THAT TAX IMPLICATION, TAX RATE, WHAT EACH BOND PACKAGE RESULTS IN TERMS OF THESE METRICS AND OTHER THINGS.

OKAY. SO THAT IN ITSELF WOULD BE A GOOD REASON, IN ADDITION TO THE FACT THAT WE ARE NOT POSTED TO SET A LIMIT, THAT WOULD BE A VERY GOOD REASON TO NOT DO IT TODAY. PHOBE TONIGHT CAN YOU GIVE A BROAD --

Futrell: JOHN, CAN YOU GIVE A BROAD OVERVIEW --

COUNCILMEMBER I AGREE WITH YOU THAT THERE IS SOME INFORMATION THAT WE CAN SHOW YOU THAT WILL HELP YOU COME TO A DECISION OF PERHAPS -- OR PERHAPS REVISIT THE CALCULATIONS OF OUR DEBT PER CAPITA, SO ON TO ASSESSED VALUE.

BUT IN FACT THE SIZE OF THE BOND PACKAGE WILL NOT REALLY HAVE ANY EFFECT ON THE ROLL BACK RATE. YOU HAVE NEVER IN ANY DANGER OF EXCEEDING THAT BECAUSE STATE LAW ALLOWS YOU TO SET THE DEBT SERVICE PORTION OF YOUR TAX RATE AS LARGE AS YOU NEED TO BE TO PAY YOUR DEBT SERVICE IN THE UPCOMING YEAR. THE ONLY LIMITATION ON THAT IS A \$2.50 STATE LAW LIMITATION ON THE CITY'S TOTAL TAX RATE. OF COURSE WE ARE NOT EVEN A FIFTH OF THAT. SO PRACTICALLY SPEAKING THAT'S

NOT A LIMITATION.

BUT I DO THINK THAT WE COULD GO BACK OVER FOR YOU THE RATIOS AND THE CRITERIA THAT THE BOND RATING HOUSES LOOK AT AS WE RAISE THE DEBT SIDE OF THE HOUSE AND THAT'S -- WE GAVE YOU JUST A VERY QUICK SUMMARY OF A FEW OF THOSE THAT WE LOOKED AT IN GREG'S PRESENTATION, BUT HEARING THAT EVERYONE IS LEANING OR SOME OF OUR COUNCILMEMBERS ARE LEANING TOWARDS AROUND THE 500 MILLION, WE WILL GO BACK AND SHOW YOU HOW THAT LOOKS, WHAT THAT DOES TO RATIOS AND DO A LITTLE BROADER PRESENTATION OF THAT WHEN WE POST FOR CLEARER DIRECTION ON THE DOLLAR AM OF THE PACKAGE.

Leffingwell: YEAH. I THINK THAT'S WHAT I WOULD LIKE TO SEE. WHEN I USED THAT EXAMPLE, IT TURNED OUT TO BE A BAD EXAMPLE, THAT WAS JUST ILLUSTRATIVE OF THE FACT THAT THERE OUGHT TO BE SOME ACCOUNTING OR SCIENTIFIC BASIS FOR ARRIVING AT WHATEVER THE RECOMMENDED CAP IS.

Mayor Wynn: SO COUNCIL BASED ON THIS EITHER -- AGAIN, I'M NOT PREPARED TO DECLARE THE PRECISE AMOUNT, AT LEAST MY OPINION OF THE PRECISE AMOUNT OF THE PACKAGE, I THINK THAT WOULD COME THROUGH A SIGNIFICANT SERIES OF ANALYSES AND MORE PUBLIC INPUT. BUT I WILL START WITH A SPOT OF -- OF MY DESIRE TO HAVE A -- HAVE A SMALLER PACKAGE AND SO PERHAPS WITH THE INPUT THAT -- THAT THE CITY MANAGER HAS HEARD NOW, THOUGH INFORMALLY, WE COULD MAINTAIN ANOTHER POSTING FOR NEXT WEEK, ANOTHER BRIEFING AS WELL, AND I WOULD ASK THAT A -- AN AMENDED BOND CALENDAR REGARDING THE NOVEMBER ELECTION BE BROUGHT FORWARD AS WITH THIS -- AS WITH THE MAY ELECTION, WE COULD TAKE -- WE COULD TAKE THE PUBLIC DISCUSSION AND IT NEED BE A FORM VOTE ON AT LEAST THE SCHEDULE AND CALENDAR THEN. I DON'T SEE THE NEED TO HAVE THE FORMAL VOTE AS TO THE PRECISE SIZE AS WE BEGIN THESE BRIEFINGS AND OTHER ANALYSES ON THE BOND. OUR INPUT TO THE CITY MANAGER VERY WELL MAY QUICKLY BRING US TO A NUMBER. SO OTHER

COMMENTS, MAYOR PRO TEM?

Thomas: MAYOR, WHAT YOU ARE ASKING ASKING FOR IS ANOTHER BRIEFING BUT NOT A PUBLIC HEARING NEXT WEEK, JUST A BRIEFING TO US ABOUT IF WE WANT TO DO THE NOVEMBER OR THE MAY, THEN THE SIZE OF THE BOND PACKAGE AS FAR AS MONEY-WISE, IS THAT --

Mayor Wynn: MY RECOMMENDATION IS THERE'S REALLY -- MY INSTINCT IS THERE'S NOT A NEED TO HAVE A PUBLIC HEARING UNTIL SUCH TIME AS THIS COUNCIL IS PREPARED TO PERHAPS SIGNIFICANTLY AMEND WHAT THE CITIZENS HAVE ALREADY -- THE ADVISORY COMMITTEE HAS ALREADY GIVEN US. BUT I THINK OBVIOUSLY THE CITY MANAGER NEEDS TO HAVE DIRECTION VERY SOON AS TO -- TO THE INTENT OF THE COUNCIL. SO WITH -- WITH SLIGHTLY AMENDED POSTING LANGUAGE FOR NEXT WEEK, BUT ALSO ANOTHER BRIEFING WE CAN ASK THE CITY MANAGER TO COME BACK WITH MORE SPECIFIC DATA REGARDING DEBT RATIOS AND ROLLBACK RATES AND THINGS LIKE THAT. WE COULD BE ABLE TO GIVE HER A MUCH MORE SPECIFIC DIRECTION AS TO THAT -- THE INTENT OF THE MAJORITY OF COUNCIL AS TO BROADLY SPEAKING THE SIZE OF THE PACKAGE. SEEMS TO ME THAT I'M RECOGNIZING THE DIFFICULT TASK THAT I WILL HAVE PERSONALLY OF -- WE ARE SIGNIFICANTLY REDUCING THE SIZE OF THIS PACKAGE, THAT IS, YOU KNOW, EITHER TAKING OUT SEVERAL PROJECTS FRANKLY, SEVERAL FACILITIES AND/OR PROGRAMMATIC DOLLARS THAT HAVE BEEN PLUGGED IN. NO FURTHER COMMENTS, QUESTIONS?

JUST ONE MORE. STAFF? IF YOU HAD SCHEDULED IF WE WERE GOING TO PUSH FOR THE MAY ELECTION, HOW WERE YOU GOING TO DEAL WITH THE NOTIFICATION FOR THE PUBLIC HEARING? BECAUSE THAT'S VERY IMPORTANT, I KNOW WE ARE NOT TALKING ABOUT IT, SAYING THE EXAMPLE, IF WE WERE GOING TO FOLLOW NEXT WEEK, HOW WERE YOU GOING TO --

MAYOR PRO TEM, YOU WERE POSTED TODAY ALSO TO SET PUBLIC HEARINGS AS PART OF THE ACTION ITEM. THAT WOULD HAVE BEEN THE -- THAT WOULD HAVE BEEN THE

MECHANISM TO SET THOSE HEARINGS.

I'M TALKING ABOUT NOTIFICATION TO THE CITIZENS, THAT'S WHAT I NEED TO KNOW. YOU CAN POST IT, BUT I GOT A FROWN IN THE CITY ATTORNEY'S FACE.

I'M NOT SURE THAT I FULLY UNDERSTAND THE QUESTION.

WHEN YOU SAY PUBLIC HEARINGS, BECAUSE WE POST THEM, PEOPLE SEE THAT, HOW DO WE NOTIFY OTHER PEOPLE JUST BECAUSE IT'S POSTED DO YOU DO YOUR REGULAR ROUTINE OF NOTIFICATION? THAT'S WHAT I'M ASKING.

NO. THAT ACTUAL PUBLICATION IN THE NEWSPAPER RELATES TO ZONING ITEMS. FOR REGULAR PUBLIC HEARINGS LIKE THIS, THE AGENDA IS CONSIDERED SUFFICIENT NOTICE.

Thomas: THAT'S NOT GETTING EVERYBODY. BUT OKAY.

IN FACT MAYOR PRO TEM WE WOULD DO WHAT WE HAD DONE DURING THIS BOND ELECTION PROCESS WITH THE COMMITTEE, WHICH IS WE WOULD DO AN ADVERTISING CAMPAIGN, CONTACTING THE MEDIA, PUT IT ON OUR WEBSITE AND PROMOTING THE PUBLIC HEARINGS. WE WILL DO THAT REGARDLESS OF WHEN THEY ARE, WHENEVER YOU DECIDE TO SET THEM, WE WILL STILL DO THAT PROCESS.

WELL, THAT'S WHAT I THOUGHT. I JUST WANTED TO MAKE SURE THAT THE PUBLIC KNOWS THAT. THANK YOU.

Mayor Wynn: COUNCIL, AFTER A LITTLE BIT OF CONFERRING HERE WITH THE STIRL, I AM PREPARE -- WITH THE CITY MANAGER, I AM PREPARED TO, IF THERE IS A WILL HERE, TO ENTERTAIN THE MOTION ON DECLARING THE DATE OF THE ELECTION -- ALREADY DETERMINED THAT MY VOTE WOULD BE FOR NOVEMBER. THEN THAT WAY WE COULD REQUEST AS PART OF THE BRIEFING NEXT THURSDAY FROM CITY MANAGER'S OFFICE WOULD BE THE RECOMMENDATION FOR THE SPECIFIC CALENDAR TO GET US THERE. AND WITH -- WITH THE ADDITIONAL INPUT FROM US, ADDITIONAL DATA

NEEDED THEN WE COULD HAVE THE -- VERY TECHNICAL DEBATE ABOUT, YOU KNOW, THE TIMING OF -- OF PUBLIC HEARINGS, THE TIMING OF -- OF OUR FORMAL RECOMMENDATION AS A MAJORITY COUNCIL AS TO THE SIZE OF THE -- OF THE FINAL BOND PACKAGE. IF THERE'S THE WILL, I WOULD ENTERTAIN A MOTION ON -- ON DECLARING THE ELECTION DATE, THEN IF WE HAVE THAT, THEN THE CITY MANAGER OBVIOUSLY WOULD COME BACK WITH -- WITH INFORMATION PROPOSED CALENDARS TO GET US TO THAT DATE. COUNCILMEMBER MCCRACKEN?

MAYOR, I WILL MOVE TO -- TO SET THE ELECTION FOR -- FOR -- THE ELECTION DATE FOR THE BOND ELECTION TO BE THE UNIFORM ELECTION DATE IN NOVEMBER 2006.

Thomas: I WILL SECOND THAT.

Mayor Wynn: WE HAVE A MOTION AND A SECOND TO -- TO DECLARING OUR INTENT TO HAVE THE BOND ELECTION IN NOVEMBER. FURTHER COMMENTS? COUNCILMEMBER KIM?

Kim: SINCE WE WILL BE USING THIS -- THIS IS GOING TO BE THE SAME PEOPLE ON THE COUNCIL NOW AND WE ARE GOING TO BE GOING THROUGH THE PROCESS STARTING IMMEDIATELY, LOOKING AT THE BOND PACKAGE, I WOULD BE SUPPORTIVE OF THE MOTION FOR NOVEMBER.

Mayor Wynn: FURTHER COMMENTS ON THE NOVEMBER DATE? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2 WITH COUNCILMEMBER LEFFINGWELL AND ALVAREZ VOTING NO. PART OF THAT WILL BE A REQUEST FOR THE CITY MANAGER AS PART OF NEXT WEEK'S BRIEFING TO GIVE US, YOU KNOW, PERHAPS EVEN SEVERAL CALENDAR RECOMMENDATIONS, TO GIVING US THEIR -- AGAIN RECOGNIZING THAT -- THAT

THE NEXT COUNCIL WILL BE A LITTLE DIFFERENT THAN THIS ONE, THEY WOULD HAVE THE DEBATE ABOUT HOW WE WOULD DISTINGUISH BETWEEN THOSE TWO OF COUNCILS, GETTING A LOT OF WORK DONE HERE OVER THE NEXT COUPLE OF MONTHS. THINK ABOUT WHETHER THIS COUNCIL CALLS THE ELECTION OR WE GET A LOT OF THE UNLESS AND PARK WORK DOWN, THE FOLLOWING COUNCIL WILL DO THAT. COUNCILMEMBER ALVAREZ?

Alvarez: I HAVE A REQUEST. IF WE COULD GET A MORE FORMAL OPINION FROM THE LAW DEPARTMENT ABOUT WHY IT IS IF THIS COUNCIL SETS A BOND OR CALLS THE ELECTION, WHATEVER THE OFFICIAL TERM IS, THEN THE SUBSEQUENT COUNCIL COULDN'T CHANGE IT IF THE TIMING PERMITTED FOR THE CHANGES TO OCCUR. BUT JUST SO WE CAN GET A LITTLE MORE INFORMATION ABOUT THE BASIS FOR THAT EXPLANATION THAT WAS PROVIDED.

THANK YOU, THANK YOU ALL VERY MUCH. COUNSEL, WE STILL HAVE OUR -- NOW WE HAVE OUR TWO AUSTIN ENERGY BRIEFINGS. I THINK THEY WANT TO TAKE THEM IN THIS SEQUENCE, THE FIRST IS THE PRESENTATION OF AUSTIN ENERGY'S 2005 YEAR END REPORT. I WOULD SAY IT WAS A VERY GOOD YEAR. THEN AUSTIN'S TREE TRIMMING POLICIES AND PROCEDURES AND NOTE THAT WE HAVE A -- AN ITEM FROM COUNCIL, A POTENTIAL ACTION ITEM THAT WE COULD TAKE UP FOLLOWING THAT DISCUSSION.

WELL, WE SHOULD HAVE AUSTIN ENERGY HERE. I AM ASSUMING THEY ARE ON THEIR WAY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

SHAIR THE VIDEO WITH US, I'M VERY, VERY PROUD OF THE DEPARTMENT, THEIR ACCOMPLISHMENTS. AND I HOPE THAT YOU ENJOYED IT AS MUCH AS WE DID.

2005 WAS ANOTHER YEAR OF SUCCESS AND EXCELLENT PERFORMANCE BY AUSTIN ENERGY. THE AUSTIN ENERGY SYSTEM IS MORE RELIABLE TODAY THAN AT VIRTUALLY ANY TIME IN ITS 110 YEAR HISTORY. WHEN THERE ARE OUTAGES WE ARE NOW ABLE TO GIVE OUR CUSTOMERS AN ESTIMATE OF WHEN POWER WILL BE BACK ON.

WE'VE IMPLEMENTED A NEW PROCESS WITH JOE CALABRIZE CSR, FIRST TIME WHEN WE EXPECT THE CREW TO ARRIVE ON SITE. THE SECOND TIME IS AFTER THE CREW ARRIVES ON SITE, DOES AN ASSESSMENT, THEN THEY GIVE US THE INFORMATION BACK AND WE ARE ABLE TO ACTUALLY GIVE THE CSR'S AN ACTUAL ESTIMATED RESTORATION TIME.

OUR EXCESSIVE RELIABILITY IS DUE TO AN AGGRESSIVE MAINTENANCE PROGRAM, AS WELL AS EQUIPMENT UPGRADES. THAT PLUS SYSTEM EXPANSION DUE TO GROWTH ADDS UP TO A SUBSTANTIAL WORKLOAD. FOR INSTANCE, OVER THE LAST FISCAL YEAR, ESD INSTALLED OR MANAGED THE INSTALLATION OF 14 MILES OF NEW OVERHEAD LINES. 261 MILES OF NEW OR REPLACED UNDERGROUND LINES. 600 NEW POLES. ALMOST 300 OVERHEAD OR PAD MOUNTED TRANSFORMERS. 4,000 TEMPORARY CONSTRUCTION METERS AND 6,000 NEW PERMANENT METERS.

THE WORK ETHIC AND THE PERFORMANCE OF OUR CREWS OVER THE PAST SEVERAL YEARS HAS BEEN ABSOLUTELY AMAZING. WE CONTINUE TO MEET OUR CUSTOMERS' DEADLINES, WE DELIVER RELIABLE SERVICE, MORE RELIABLE THAN EVER BEFORE. AND WE DO THAT ALL WITH THE SAME NUMBER OF CREWS THAT WE HAVE HAD FOR THE PAST 10 YEARS. AND, YOU KNOW, THE DEDICATION THAT MY STAFF HAS IS JUST AMAZING. THAT THEY CAN ALWAYS DIG IN AND FIND A WAY TO GET IT DONE.

THE RELIABILITY OF OUR TRANSMISSION SYSTEM IS ALSO AT AN ALL-TIME HIGH. DESIGN CHANGES TO BETTER PROTECT AGAINST LIGHTNING STRIKES, WINDY CONDITIONS AND PROBLEMS DUE TO BUZZARDS, ALONG WITH THE COMPLETE REFURBISHING EACH YEAR OF THE TWO WORST PERFORMING CIRCUITS HAVE REDUCED TRANSMISSION LINE TRIPS BY 70%. THE EQUIVALENT OF LIGHTS DIMMING A BIG PROBLEM FOR HIGH TECH CUSTOMERS, PRODUCING COMPUTER CHIPS.

THE PRODUCTION OF THE WAFER IS A LONG PROCESS, 60 DAY PROCESS. DURING THAT 60 DAYS ANY TIME IN THAT PROCESS INTERRUPTED, THE TOOLS DROP OUT AND WHEN THE TOOLS DROP OUT THE PROCESS IS INTERRUPTED AND

THOSE WAFERS ARE DAMAGED AND THEY MAY NOT BE ABLE TO REUSE IT. ALSO THEY HAVE TO RECALIBRATE THE TOOLS. AND SOMETIMES RECALIBRATION OF THESE TOOLS TAKES 24 TO 48 HOURS. THAT'S MORE LOSS TO THEM.

ANOTHER KEY TO OUR RELIABILITY IS OUR TREE TRIMMING OR VEGETATION MANAGEMENT PROGRAM. TRIMMING IS NOW OCCURRING ALONG ABOUT 400 MILES OF LINES PER YEAR. SIMPLY PUT, AUSTIN IS NOW GETTING THE FIRST COMPREHENSIVE TRIM IT HAS EVER HAD IN ITS HISTORY. BEFORE 2002, TREE TRIMMING WAS PURELY REACTIVE.

WHEN AN OUTAGE WOULD OCCUR, THAT MOVED TO THAT AREA TRIM FOR A WHILE UNTIL ANOTHER SERIOUS OUTAGE WOULD OCCUR SOMEWHERE ELSE, THEN THEY WOULD MOVE OVER THERE. WHAT THAT RESULTED IN WAS -- WAS JUST A LOT OF HOT SPOT TRIMMING THAT DIDN'T REALLY IMPROVE THE RELIABILITY OF THE LINE BECAUSE UNTIL YOU HAVE PRUNED ALL OF THE TREES FROM THE BEGINNING TO THE END, YOU HAVEN'T EFFECTED THE RELIABILITY.

AUSTIN ENERGY THIS YEAR AGAIN SENT CREWS TO ASSIST WITH OUTAGE RESTORATION FOLLOWING HURRICANES. THIS TIME KATRINA AND RITA, WHAT ALWAYS COMES BACK TO US IN LETTERS AND E-MAILS IS THAT AUSTIN ENERGY CREWS SIMPLY STAND OUT.

OUR GUYS ARE GOOD, I HAVE NEVER SEEN A UNIT COME IN LIKE THEY DID AND WORK AS HARD AS THEY DID, AS QUICK AS WHAT THEY DID. I TELL YOU THESE GUYS WERE PROFESSIONALS, THEY WERE. THEY JUST AMAZED US AT HOW QUICK THEY DID WHAT THEY DID.

I SAID YOU JUST DON'T KNOW WHAT A GODSEND YOU ALL WERE. HOW EFFICIENT AROUND I MEAN PROMPT -- AND I MEAN PROMPT ON IT. THEY DID A GREAT, GREAT JOB.

WE HAD ONE STRETCH OF -- OF THREE PHASE LINE, I'M NOT SURE HOW MANY POLES IT WAS. THE INTERGY PEOPLE SAID IT WOULD TAKE US ABOUT TWO AND A HALF DAYS FROM WHERE WE PICKED UP ALL THE WAY TO THE PUMP STATION AT THE DEAD END. I THINK IT TOOK US RIGHT AROUND 10

HOURS, A LITTLE OVER 10 HOURS, WE HAD IT ALL PICKED UP.

THE EXCELLENT WORK BY ELECTRIC SERVICE DELIVERY IS ONE OF THE REASONS OUR SYSTEM HAD NO TROUBLE HANDLING A NEW ALL-TIME PEAK DEMAND RECORD SINCE SEPTEMBER 26th, BEATING THE OLD RECORD BY ABOUT 62 MEGAWATTS.

AGAIN YOU SAID 10.4.

THAT ALL-TIME RECORD DEMAND WAS ALSO NO PROBLEM FOR THE POWER PLANTS. WHERE EXCELLENT MAINTENANCE PROGRAMS HAVE PRODUCED EXCELLENT PERFORMANCE.

THE NEW COMBINED CYCLE UNIT AT SAND HILL GENERATED MORE THAN ONE MILLION MEGAWATT HOURS OF ELECTRICITY IN ITS FIRST YEAR. AND AVERAGE AVAILABILITY FOR HOLLY AND DECKER WAS ALMOST 10 PERCENTAGE POINTS BETTER THAN COMPARABLE UNITS THROUGHOUT THE COUNTRY.

WHAT'S IMPORTANT IS NOT THAT THERE -- THEIR AVERAGE AVAILABILITY IS HIGH, IT'S THAT THEY ARE AVAILABLE WHEN WE NEED THEM THE MOST. FOR EXAMPLE, WHEN AUSTIN ENERGY EXPERIENCES ALL-TIME RECORD PEAK DEMAND, NOT ONLY WERE OUR UNITS ABLE TO MEET THAT DEMAND, BUT WE WERE ALSO ABLE TO GENERATE ENOUGH ELECTRICITY TO SELL 250 MEGAWATTS OUTSIDE OUR SYSTEM.

OUR PEAKING UNITS AT DECKER AND SAND HILL ARE ALSO THE ONLY UNITS IN THE STATE CERTIFIED BY ERCOT SO FAR AS SUFFICIENTLY FAST STARTING TO BE BID OUT AS IF THEY WERE RUNNING TO PROVIDE IMMEDIATE POWER TO THE ERCOT GRID EVEN WHEN THEY ARE ACTUALLY OFF.

THE WAY THEY DID THE CERTIFICATION IS THEY GAVE US A ONE-WEEK PERIOD WHEN THEY WERE GOING TO BE CALLING FOR THE UNITS. THEY WATCH THEM ALL THE TIME, THEY CAN SEE EACH INDIVIDUAL UNIT START UP, LOAD UP. SO THEY MADE A PHONE CALL TO START UP, THEY WATCHED THE UNIT, THEY HAD TO BE AT FULL LOAD WITHIN

12 MINUTES FROM THEIR PHONE CALL.

IN THE AREA OF CUSTOMER SERVICE, OUR KEY ACCOUNTS TEAM RESPONSIBLE FOR OUR 200 LARGEST CUSTOMERS WHO PROVIDE ALMOST 40% OF ALL REVENUES HAVE SEEN THEIR CUSTOMER SATISFACTION RATINGS FROM THOSE CUSTOMERS GO UP 10 PERCENTAGE POINTS IN TWO YEARS. I.B.M. RANKED AUSTIN ENERGY NUMBER TWO OUT OF 12 ENERGY PROVIDERS NATIONWIDE SERVING BAIM I.B.M. FACILITIES. AUSTIN ENERGY SCORED 99 OUT OF 100.

SOME OF THE CRITERIA WE LOOK AT IS TECHNOLOGIES, QUALITY, PERFORMANCE AND HOW FLEXIBLE ARE YOU WITH TERMS AND CONDITIONS AND OF COURSE COMMUNICATION. THEY HAVE DONE GREAT, SOME OF THE KEY STAFF PEOPLE, AUSTIN ENERGY THAT I WORK WITH ALMOST ON A WEEKLY BASIS, THEY DO DO A -- A PERFECT JOB.

AUSTIN ENERGY CUSTOMERS CAN NOW GO ONLINE TO START, STOP OR TRANSFER WATER OR ELECTRIC SERVICE. REVIEW THEIR USAGE HISTORY. STARTING IN JANUARY, PAY THEIR UTILITY BILLS. THE MULTI-FAMILY PARTNERSHIP FOR APARTMENT COMPLEXES NOW PROVIDES EACH COMPLEX WITH ITS OWN SECURE WEB PAGENO CARRIERRINGCONNECT 57600 LAW ENFORCEMENT, PARTICULARLY THE AUSTIN POLICE DEPARTMENT. TRAVIS COUNTY, THE DISTRICT COURT. WITH ONE GOAL AND THAT WAS TO STOP PEOPLE FROM STEALING AND PUT THOSE WHO WERE STEALING BEHIND BARS.

THANK YOU FOR CALLING THE UTILITY CUSTOMER SERVICE CENTER.

Reporter: FOR THE FIFTH YEAR IN A ROW THE CUSTOMER CONTACT CENTER SET A RECORD FOR THE NUMBER OF CALLS HANDLED. THE RISING CALL VOLUME IS MOST DIRECTLY RELATED TO A BIG ACHIEVEMENT, A REFINEMENT OF OUR CREDIT PROCEDURES THAT IS SIGNIFICANTLY REDUCING THE NUMBER OF CUSTOMERS 6 # DAYS OR MORE OVER OVERDUE ON UTILITY BILLS.

WE'VE HAD INDIVIDUAL COUNTS WHERE A PERSON WOULD OWE US \$200 OR \$300, AND BY BEING FLEXIBLE, THEY CAN

END UP OWING US, \$700, \$800. SO THE STAFF HAS BEEN ABLE TO GET A CULTURE CHANGE GOING, STAY FIRM WITH THEIR DECISIONS BUT ALSO REMAIN FLEXIBLE TO LOOK AT INDIVIDUAL CASES.

THE I.T.T. BUSINESS UNIT PLAYS A ROLE IN VIRTUALLY EVERY MAJOR WORK EFFICIENCY ACHIEVEMENT. THEY HAVE ESTABLISHED A I.T. MANAGEMENT OFFICE INCREASING THE ON TIME AND ON BUDGET DELIVERY OF I.T. PROJECTS. ESTABLISHED A TECHNOLOGY CONTROL CENTER TO BETTER MANAGE SUPPORT AND ALL I.T. ASSETS AND SERVICES, AND ARE IMPLEMENTING A COMMON COMPANY-WIDE ARCHITECTURE THAT WILL BRING ALL INFORMATION TOGETHER INTO DASHBOARDS ON P.C.s.

WHAT NEXT IS THE TOTAL FULL INTEGRATION OF THE TRANCE AXIAL REALTIME AND REPORTING DATA THIS COMPANY NEEDS TO RUN EVERY DAY ACROSS THE BUSINESS UNITS. THIS PROCESS IN A TIGHT OWNERSHIP BETWEEN I.T.T. AND E.S.D., CUSTOMER CARE, POWER PRODUCTION TO BEGIN AND THEN THAT WILL TRANSLATE INTO OTHER BUSINESS UNITS.

IN ENERGY EFFICIENCY AND RADIO KNEABLES, -- RADIO NEWABLES, AUSTIN IS RECOGNIZED AS LEADER. NEW ACCOMPLISHMENTS INCLUDE ESTABLISHMENT OF THE FIRST UTILITY ESTABLISHMENT OF THE FIRST RECYCLING REFRIGERATOR BRAM IN THE NATION AND THE FREE THERMOSTAT PROGRAM CALLED POWER PARTNER NOW HAS 45,000 HOMES, APARTMENTS AND BUSINESSES PARTICIPATING. THIS SUMMER THE COORDINATED CYCLING OF A.C.s VIA RADIO WAYS REDUCED PEAK DEMAND BY 25 TO 35 35-MEGAWATTS SMS OUR RESIDENTIAL EFFICIENCY PROGRAM WAS NAMED ONE OF THE TWO BEST PERFORMING HOME PERFORMING WITH ENERGY STAR BY E. AND OUR COMMERCIAL ENERGY EFFICIENCY PROGRAM EXCEEDED ITS ANNUAL MEGAWATT SAVINGS GOAL BY ALMOST 20%.

THIS YEAR WE SAVED A TOTAL OF 39 MEGAWATTS OF PEAK DEMAND SAVINGS IN OUR RESIDENTIAL, AND COMMERCIAL EFFICIENCY AT A COST OF \$330 PER KILOWATT.

OUR GREEN PROGRAM HAS BEEN NUMBER ONE IN THE NATION FOR SALES SINCE 2002, OUTPERFORMING 600 OTHER UTILITY SPONSORED PROGRAMS. GREEN CHOICES PASSES THE FIXED COST OF OUR WIND CONTRACTS ON TO SUBSCRIBERS BY REPLACING THE FUEL CHARGE ON THEIR ELECTRIC BILL WITH A GREEN CHOICE CHARGE THAT WON'T CHANGE FOR MOST CURRENT SUBSCRIBERS UNTIL THE YEAR 2011.

AS A RESULT, IN JANUARY, WHEN THE REGULAR FOS TILL FOS FILL FUEL CHARGE GOES UP, EVERY SINGLE GREEN CHOICE SUBSCRIBER WILL BE PAYING LESS FOR THEIR ELECTRICITY THAN NON-SUBSCRIBERS.

THE LIST OF AUSTIN ENERGY ACCOMPLISHMENTS DURING 2005 IS LONG AND SUBSTANTIAL. OUR SAFETY PROGRAM IS AGAIN THE BEST PERFORMING OF ANY CITY DEPARTMENT WORKING OUTSIDE OR IN DANGEROUS SITUATIONS. OUR Q.U.I.S.I. THAT BUYS OUR POWER SET A RECORD \$28 MILLION IN OFF-SYSTEM NET REVENUE FOR THE UTILITY. PAYMENTS PROCESSING POSTS 250,000 PAYMENTS TO ACCOUNTS WITHIN 24 HOURS OF RECEIPT EVERY MONTH. WHICH IS MUCH BETTER THAN INDUSTRY AVERAGES. WE BUILT AND SUCCESSFULLY TESTED A BACKUP CONTROL CENTER. WE MANAGE THE INSTALLATION OF WITHIN OF ONLY A HANDFUL OF STAT COMS IN THE U.S. FOR VOLTAGE SUPPORT NECESSARY FOR THE RETIREMENT OF THE HOLLY POWER PLANT IN 2007. WE TOOK OVER THE REGIONAL SCIENCE FESTIVAL WHEN IT WAS IN DANGER OF BEING DISCONTINUED AND BUILT IT INTO THE LARGEST OF 18 REGIONAL SCIENCE FAIRS IN TEXAS. AND IN TYPICAL RESPONSE TO A REQUEST FROM CITY MANAGEMENT, WE SET UP AND OPERATED THE PALMER EVENTS CENTER AROUND THE CLOCK OVER THE LABOR DAY WEEKEND TO ASSIST WITH HURRICANE KATRINA EVACUEES.

I THANK YOU ALL VERY, VERY MUCH FROM THE BOTTOM OF MY HEART.

I WANT TO SAY THANK YOU TO EVERYONE HERE AT AUSTIN ENERGY FOR YOUR HARD WORK AND THE QUALITY OF THAT WORK. THE QUALITY OF WORK YOU PERFORM FOR A COMMUNITY IS NOTICED OVER AND OVER. WE RECEIVE

LETTERS OR E-MAILS FROM CUSTOMERS ON A REGULAR BASIS PRAISING OUR STAFF AND THANKING US FOR A JOB WELL DONE IN RESPONSE TO THEIR SITUATION. AND THESE LETTERS AND E-MAILS NOT ONLY TALK ABOUT THE SPEED OF OUR RESPONSE, THE QUALITY OF THE WORK, BUT ABOUT OUR ATTITUDE BEING CUSTOMER FOCUSED. IN RECENT YEARS ON AN INCREASING BASIS WE ARE EVEN SEEING LETTERS OR E-MAILS FROM CUSTOMERS THAT DO NOT REFER TO A JOB WE PERFORMED BUT SIMPLY SAY I JUST WANTED TO TAKE A MOMENT AND THANK YOU, AUSTIN ENERGY, FOR THE GREAT JOB THAT YOU DO. THAT SAYS A LOT. I'M VERY PROUD TO LEAD THIS ORGANIZATION EVERY YEAR WE ACHIEVE MORE. TO EACH EACH OF YOU I WANT TO SAY THANK YOU VERY MUCH FOR THOSE ACHIEVEMENTS AND FOR THE CONTRIBUTIONS YOU ARE MAKING EVERY DAY TO THE WELFARE OF THIS COMMUNITY. [CHEERS AND APPLAUSE]

READY TO GO, JUAN.

THANKS, TOBY. NOW I GUESS TO TALK ABOUT SOMETHING DIFFERENT. BUT VERY NECESSARY.

IT WAS SUPPOSED TO BE ALL POSITIVE TODAY TOO.

AND WE INTEND IT TO BE.

Mayor Wynn: ACTUALLY, BEFORE WE GO INTO THE TREE TRIMMING, COMMENTS ABOUT THE YEAR, ABOUT THE REPORT. COUNCILMEMBER KIM.

Kim: BEFORE WE GO INTO THE NEXT PRESENTATION I WANT TO EXPRESS MY APPRECIATION TO AUSTIN ENERGY. THERE WAS A POWER OUTAGE I THINK IT WAS LATE NIGHT AFTER I HAD COME HOME FROM A COUNCIL MEETING AT 11:30 P.M., I THINK IT WAS AN EARLY NIGHT, AND THE POWER WAS OUT AND ALL MY NEIGHBORS WERE STANDING OUTSIDE TRYING TO FIGURE OUT WHAT TO DO. SOMEONE CALLED AUSTIN ENERGY AND THEY CAME IN AND THEY WORKED THROUGH INTO DAWN AND IT WAS POURING RAIN AND THEY HAD TO REPLACE I THINK ONE OF THOSE TRANSMISSION UNITS. THEY HAD TO GO UP A POLE. THEY HAD TO GO INTO THE NATURE PRESERVE. IT WAS JUST AMAZING. THEY HAD AT

LEAST THREE OR FOUR PEOPLE THERE AND WORKING IN THE RAIN, IN THE POURING RAIN. MY NEIGHBORS SAID THEY WERE JUST SO IMPRESSED. SOMEBODY WHO WORKED FOR SBC SAID SHE WOULD NOT HAVE SEEN THAT FROM SBC EMPLOYEES. THEY DIDN'T KNOW I WAS A COUNCILMEMBER. THEY JUST RESPONDED TO A NORMAL REGULAR CALL. THANK YOU VERY MUCH.

THANK YOU. AND YOU KNOW, WE NEVER NEVER HAVE A PROBLEM CALLING OUR EMPLOYEES IN. THEY ALWAYS COME N WE ALWAYS HAVE PLENTY TO CALL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FRT URTHER COMMENTS, QUESTIONS.

GETTING TO THE SUBJECT OF TREES. MAYOR, YOU'VE ASKED ME TO COME REPORT TO YOU ON THE UTILITIES TRIMMING PROGRAM AND I HOPE TO CONVINCE YOU THAT WE DO IT FOR SAFETY, WE DO IT FOR RELIABILITY. WE DO IT TO EVENTUALLY GET THE RIGHT TREE IN THE RIGHT PLACE AND WE WANT TO CONVINCE YOU IT IS COMPLYING WITH THE NATURAL ELECTRIC SAFETY CODE. IT'S KIND OF IRONIC I AM HERE TODAY TO TALK TO YOU BECAUSE THERE'S THE IMPRESSION THAT WE'RE TRIMMING TOO MUCH. THERE WAS A TIME WHEN WE CAME BEFORE YOU THAT WE WEREN'T DOING ENOUGH. PRIOR TO 1997, WE DID NOT HAVE A STRUCTURED PROGRAM. WE SIMPLY RESPONDED TO OUTAGES AND COMPLAINTS. WE DID NOT TRIM IF THE PROPERTY OWNER REFUSED TO HAVE US TRIM AND THE RESULT OBVIOUSLY WAS THAT THE FOLKS DONE THE STREET THAT DID HAVE THEIR TREES TRIMS WOULD COMPLAIN TO US. WE HAD A [INAUDIBLE] AND THE SYSTEM, THE PROGRAM ITSELF WAS NONCOMPLIANT WITH THE NATIONAL ELECTRIC SAFETY CODE. AS IF TO REMIND US WE NEEDED TO DO MORE, NATURE PAID US A VISIT IN 1995. THE WIND SPEECH REACHED 95 MILES AN HOUR. RESTORATION TOOK US UP TO FOUR DAYS AND SOME LONGER THAN THAT. THAT'S ABOUT THE AVERAGE. AND ABOUT UP TO 95% OF THE OUTAGES WERE CAUSED BY TREES. AND UNDERSTANDABLY THE AUSTIN AMERICAN STATES MAN COVERED US, AND I WON'T TAKE THE TIME TO READ THAT QUOTE, BUT WE DID APPEAR IN THE LOCAL PAPER. WE DIDN'T DO ANYTHING ABOUT IT. SO WE CONTINUED. A COUPLE YEARS LATER

NATURE AGAIN PAID US A VISIT. THIS TIME IN THE FORM OF AN ICE STORM. WE HAD, AGAIN, THOUSANDS OUT AT PEAK. WE HAD FREEZING TEMPERATURES TO MAKE MATTERS WORSE AT THAT TIME AND RESTORATION TOOK AS MUCH AS TWO DAYS AND THE NEWSPAPER AGAIN UNDERSTANDABLY COVERED THAT EVENT. AND THE CITY COUNCIL DECIDED TO STEP IN. AND THEY DID DIRECT US TO DESIGN A PROGRAM AND THEY AUTHORIZED MONEYS IN THE BUDGET TO GO AHEAD AND MOVE AHEAD WITH A LINE, A PROACTIVE LINE TRIM PROGRAM N MAY OF 1997, JUST A FEW MONTHS LATER, THE COUNCIL DID REQUEST US TO MODIFY THE CUSTOMER NOTIFICATION PROCESS, MAKE IT MUCH MORE INTENSIVE. AND LATER IN 1999, A COUPLE YEARS LATER, WE STARTED THE TREE MITIGATION PROGRAM WHICH IS WHAT WE USE TO REPLENISH TREES THAT WE MAY HAVE TO REMOVE AND TO MITIGATE FOR THE EFFECTS OF THE TREE TRIMMING PROGRAM. WE DID NOT MOVE WITH THE PROBLEM OF REFUSE ALSO. AGAIN NATURE PAID A PROBLEM IN THE FORM OF THE 2000 ICE STORM. 1 THUN CIRCUITS WERE TRIPPED, 90,000 CUSTOMERS WERE OUT ATTACHMENT RESTORATION TOOK AN AVERAGE OF ABOUT THREE DAYS. AND MOST OUTAGES WERE CAUSED BY TREES ICING UP OVER THE POWER LINES. THIS TIME THE COVERAGE FROM THE LOCAL NEWSPAPER POINTED OUT THE PROBLEM CREATED BY US ALLOWING SOME OWNERS TO REFUSE TRIMMING OF THEIR TREES. AGAIN THE COUNCIL STEPPED IN AND DIRECTED AUSTIN ENERGY TO FURTHER STREAMLINE THE REFUSAL PROCESS WHICH WE DID, AND THEN WE MOVED AHEAD. IN 2004, A COUPLE DEPARTMENTS OF THE CITY CAME TOGETHER TO MOVE THIS ORDINANCE AMOUNT FORWARD. WE REALIZED WE WERE CAUSING SOME OF OUR OWN PROBLEMS. WE HAD ONE DEPARTMENT RECOMMENDING TREES TO BE PLANTED UNDER OUR LINES, THEN WE WOULD STEP IN AND TRIM THOSE BACK AND SOMETIMES REMOVE THEM. WE NEEDED WE NEEDED TO AMEND THE LANDSCAPE CRITERIA TO SPECIFY THE SPECIES OF TREES THAT COULD BE PLANTED UNDER THE RIGHTS-OF-WAY OR THE LINES AND WE HAVE NOT DONE THAT AND I THINK WE HAVE SOLVED THAT PROBLEM PROSPECT I FEEL EVEN THOUGH THE PROBLEM OF TREES PLANTED IN THE PAST REMAINS, I THINK WE CAN DEAL WITH THAT. SO WE HAVE GOTTEN FINALLY TO THE CONCEPT OF HAVING THE

RIGHT TREE IN THE RIGHT PLACE, AND WE REINFORCED THAT WITH OUR TREE MITIGATION PROGRAM. WE ACTUALLY REPLACE TREES WITH OTHERS THAT ARE MORE APPROPRIATE UNDER OUR POWER LINES. SO WHAT DOES OUR PROGRAM LOOK LIKE? WE HAVE A CONTRACT WITH DAVIE AND WE HAVE 10 CERTIFIED ARBORISTS AND FOLLOW THE INTERNATIONAL SOCIETY OF STANDARD. AND WE DO HAVE A NATIONALLY RECOGNIZED PROGRAM. THE NATIONAL ARBOR DAY FOUNDATION HAS RECOGNIZED US FOR FIVE YEARS IN A ROW. IT'S A TREE LINE USA UTILITY. WE HAVE AN EXCEPTIONAL PROPERTY NOTIFICATION PROGRAM AND I'LL GET INTO IT IN A LITTLE BIT. AND WE ARE THE LEADING PROVIDER OF FUNDS FOR TREE PLANTINGS IN AUSTIN. WE HAVE RESPONSIBLE FOR TRIMMING 2,345 MILES OF TREES. WE ARE IN THE MIDDLE OF THE FIRST COMPLETE TRIM AND THAT MEANS GETTING IT FROM START TO FINISH. THE INDUSTRY STANDARD IS A FOUR-YEAR TRIM SEEING HE WILL AND WE'RE THOUGHT QUITE THERE YET. WE NEED TO TRIM 580 MILES A YEAR TO REACH THAT. WE ARE CURRENTLY ACHIEVING 400 MILES A YEAR SINCE 2003. WE THINK AS WE FINISH THE FIRST COMPLETE CYCLE THAT'S GOING TO PICK UP AS IT OBVIOUSLY WILL BECOME A LITTLE BIT EASIER TO DO. THE ANNUAL BUDGET IS ABOUT \$7.5 MILLION WITH 1 MILLION ALONE FOR NOTIFICATION AND 6.5 MILLION FOR TRIMMING. WE ARE THE ONLY UTILITY IN TEXAS AND WITHIN OF A FEW IN THE ENTIRE NATION THAT MEETS WITH EACH PROPERTY OWNER BEFORE WE TRIM. THE CUSTOMER NOTIFICATION PROCESS REQUIRES TO US IDENTIFY AND TAG THE TREES AFFECTED AND PUT THE TRIM PLAN INTO WRITING AND THEN DISCUSS THEM WITH THE PROPERTY OWNER. THE OWNER CAN REQUEST A MEETING WITH US UP TO AND INCLUDING MYSELF BEFORE ANY TRIMMING IS DONE. IN THE EVENT THAT WE DON'T LOCATE THE PROPERTY OWNER, WE CAN'T MAKE CONTACT WITH THEM, WE DO SEND THEM A CERTIFIED LETTER THAT DETAILS THE WORK THAT WE ARE GOING TO DO AND THEN WE GO AHEAD AND DO THE WORK. AND WE DO WELCOME THE OWNERS TO BE PRESENT WHEN WE DO THE ACTUAL TRIMMING. HOW IS THE REFUSAL PROCESS WORKING? WE THINK IT'S WORKING QUITE WELL. CUSTOMERS WHO DO REFUSE TO COOPERATE OR AGREE WITH OUR TRIMMING DO RECEIVE A FINAL LETTER INDICATING THE TRIM DATE, THEN WE GO AHEAD

AND TRIM. WE ARE TRIMMING ABOUT TRIMMING OR AFFECTING ABOUT 10,000 PROPERTIES A YEAR SINCE 2003. AND THE REFUSAL RATE IS REAL LOW. WE HAD 64 IN 2003. 38 IN 2004. AND 35 IN 2005. NOW, THOSE FEW CAN SOUND LIKE THOUSANDS WHEN THEY COMPLAIN, BUT WE STILL THINK THE NUMBER IS SIGNIFICANT COMPARED TO THE NUMBER OF OVERALL PROPERTIES WE ARE AFFECTING EVERY YEAR. THE RESULT, THE RELIABILITY OF THE SYSTEM HAS GOTTEN QUITE BETTER IN THE TIME THAT WE'VE BEEN DOING THE INCREASED TRIMMING. WE'VE SEEN A LITTLE UPTICK LAST YEAR AND ARE LOOKING SPECIFICALLY AT WHAT'S HAPPENING THERE. BUT THERE IS A DIRECT CORRELATION BETWEEN INCREASED TRIMMING AND IMPROVED RELIABILITY IN TERMS OF THE TWO RECOGNIZED NATIONAL STANDARDS, SAFETY AND -- WHICH IS BASICALLY ONE MEASURES THE FREQUENCY OF THE OUTAGE AND THE OTHER ONE MEASURES THE DURATION OF THE OUTAGES. THE SIGNIFICANT -- SIGNIFICANCE IS THAT WE KNOW THAT OUTAGES DURING STORMS DECREASES BY ABOUT 60% AFTER WE HAVE GONE THROUGH A NEIGHBORHOOD AND TRIMMED. FOR I MENTIONED AUSTIN ENERGY'S TREE PLANTING PROGRAM. WE'RE RESPONSIBLE FOR BETWEEN 7,000 AND 8,000 TREES PLANTED ANNUALLY IN THE CITY THROUGH GRAMS, THE NEIGHBORHOOD PROGRAM, SAPLING DAYS AND THE HEAT ISLAND INITIATIVE. THE ONE I'M MOST PROUD OF IS SOUTH CONGRESS RIGHT SOUTH OF THE RIVER THAT WE DID ABOUT A COUPLE YEARS AGO. WHAT'S HAPPENING SPECIFICALLY AT HYDE PARK AND THE EASTWOOD AREA. THOSE NEIGHBORHOODS HAVE NEVER BEEN FULLY TRIMMED. THEY HAVE POOR PERFORMING CIRCUITS COMPARED TO THE SYSTEM NORM. I'VE GOT SOME NUMBERS ON WHAT'S HAPPENED BETWEEN OCTOBER 2004 AND DECEMBER OF 2005. WE'VE HAD A LITTLE OVER 1,000 CUSTOMERS EXPERIENCING AT LEAST ONE OUTAGE DUE TO TREES. AND AT LEAST ONE-THIRD OF THOSE EXPERIENCE OUTAGES, AS MANY AS FIVE OUTAGES DURING THAT TIME. AND THE AVERAGE DURATION OF THE OUTAGE WAS AN HOUR AND A HALF EACH TIME. SO IT'S A LITTLE OVER OUR AVERAGE. THEY HAVE RAISED SOME CONCERNS WITH US. THEY ARE CONCERNED WE DID NOT -- OUR PROCESS DID NOT CALL FOR THE NOTIFICATION OF THE NEIGHBORHOOD ASSOCIATIONS BEFORE WE MOVED IN AND WE AGREE WITH

THAT. WE THINK THAT WOULD BE A DEFINITE IMPROVEMENT TO OUR PRACTICES SO WE ARE -- WE HAVE ALREADY BEGUN DOING THAT. AND WE WILL IN THE FUTURE NOTIFY THE NEIGHBORHOOD ASSOCIATIONS OF OUR PLANS, OUR INTENTS TO COME IN SO WE CAN WORK WITH THEM. ALSO --

Mayor Wynn: MR. GARZA, ACCUSE ME. AND AGAIN, CONTINUE AUSTIN ENERGY HAS ALREADY BEEN NOTIFYING THE INDIVIDUAL PROPERTY OWNERS, BUT DIDN'T HAVE THE PRACTICE OF ACTUALLY NOTIFYING THE NEIGHBORHOOD ASSOCIATIONS.

THAT'S CORRECT. WE WENT DIRECTLY TO EACH INDIVIDUAL PROPERTY OWNER AND WE ARE ADDING TO THAT THE PRACTICE OF NOW NOTIFYING THE ASSOCIATION.

Mayor Wynn: ALL RIGHT.

THE TREE TAGGING IS ALARMING. FIRST OF ALL THERE MAY BE TIMES WHEN MORE THAN ONE ACTIVITY IS GOING OUT THERE AS HAPPENED HERE. AND SO WE'RE TALKING ABOUT TRIMMING TREES IN RIGHTS-OF-WAY AND TAGS ARE APPEARING ELSEWHERE IN THE NEIGHBORHOOD. SO PEOPLE GET ALARMED. SO WE HAVE AGREED THAT WE NEED TO FIND A WAY TO ELIMINATE THE CONFUSION. SO WE'RE GOING TO CHANGE OUR TAGS. WE ARE GOING TO HAVE THE AUSTIN ENERGY LOGO ON OUR TAGS AND WE'LL ALSO HAVE OUR PHONE NUMBER ON THAT TAG. AND WE WILL NOT TAG ANY TREE THAT IS -- WILL REQUIRE REMOVAL UNTIL WE HAVE SPOKEN TO THE INDIVIDUAL PROPERTY OWNER SO THEY ARE NOT SURPRISED OR ALARMED BY WHAT THEY SEE THE TREES. THEY'VE ALSO PROPOSED THAT WE GO TO A TWO-YEAR TRIM CYCLE INSTEAD OF FOUR AND THEY ARE RECOMMENDING THAT WE -- OR SUGGESTED WE RAISE THE POWER LINES ABOVE THE TREE TOPS OR BURY THE POWER LINES UNDERGROUND. THESE ALL HAVE VERY SIGNIFICANT FISCAL IMPACT INTO THE BUDGET AND I THINK IT MEETS OUR MORE PROPERTY REFERRED TO TASK FORCE SHOULD YOU GO AHEAD AND DECIDE TO APPOINT THAT. WE'LL, OF COURSE, WORK WITH THE COMMUNITY. IT'S OUR COMMUNITY. WE WANT TO ENHANCE THE URBAN FOREST AND WE WANT TO MAKE SURE THAT WHATEVER WE DO ACCOMPLISHES THAT. AGAIN, I HATE TO EVEN REPEAT

THAT FIRST ONE, BUT WE REALLY, REALLY WOULD RATHER NOT TRIM TREES. IT'S JUST SOMETHING NETS NECESSARY TO PROVIDING A SAFE, RELIABLE POWER SUPPLY. MOST PEOPLE DON'T REALIZE THAT TREES CAN CONDUCT ELECTRICITY. THAT'S EXACTLY WHY IN SOME CASES WHEN THERE IS NO STORM OUR LINES TRIP OUT BECAUSE THE LINE TOUCHES THE TREE AND GROUNDS OUT INTO THE GROUND. IT'S A VERY DANGEROUS SITUATION FOR FOLKS THAT ARE AROUND THAT TREE. SO WE WANT TO ELIMINATE THAT AS MUCH AS WE CAN. IT'S REQUIRED THAT WE TRIM AROUND THE LINE BY THE NATIONAL ELECTRIC SAFETY CODE. THE NATIONAL ENERGY REGULATORY COMMISSION IS PROMULGATING NEW RULES THAT WILL GO INTO EFFECT AS A RESULT OF THE NORTHEAST BLACKOUT WE EXPERIENCED A COUPLE YEARS AGO AND THAT'S GOING TO TRUMP WHATEVER WE DO AND WE NEED TO BE PREPARED. IT'S REQUIRED BY THE ORGANIZATION WHICH OVERSEES OUR UTILITY AND IT'S REQUIRED BY THE PUBLIC UTILITY COMMISSION. WE NEED TO DO SOMETHING. WE NEED TO WORK WITH OUR NEIGHBORHOOD AND OUR RESIDENTS SO THAT WE HAVE SOMETHING THAT IS ACCEPTABLE AND IS REASONABLE, BUT WE MUST -- WE MUST BE ABLE TO DO SOMETHING. WITH THAT I'LL OPEN UP FOR QUESTIONS.

Mayor Wynn: THANK YOU, MR. GARZA. QUESTIONS, COMMENTS? COUNCILMEMBER McCRACKEN.

McCracken: MAYOR, ARE WE TAKING OUT THE ITEM COUNCILMEMBER LEFFINGWELL AND COUNCILMEMBER DUNKERLEY AND MYSELF AT THIS TIME AS WELL INTEGRATED?

Mayor Wynn: GOOD QUESTION. IF THAT'S THE WILL OF THE SPONSORS, BE HAPPY TO DO IT WHILE THE INFORMATION IS FRESH ON OUR MIND. WE HAVE A FEW FOLKS THAT WANT TO GIVE US FEEDBACK.

OF COURSE I WOULD PREFER THAT IT BE PHASED IN RIGHT AFTER THE PRESENTATION SO THAT IT'S STILL -- THE CONSIDERATIONS ARE STILL FRESH ON OUR MINDS. SO I WOULD SUGGEST THAT, THAT WE TAKE IT UP NOW.

Mayor Wynn: WITHOUT OBJECTION, WE WILL CALL UP ITEM 19

WHICH IS A RESOLUTION ITEM FROM COUNCIL BY COUNCILMEMBERS MCCracken, Leffingwell TO INITIATE CHANGES TO TREE TRIMMING POLICY AND I'LL EP UP FOR COMMENTS. I'M SORRY? I'M SORRY, COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WAS JUST WAVING MY PENCIL, BUT I HAVE A COUPLE OF QUESTIONS. OF ALL, I TOTALLY UNDERSTAND THAT IT'S YOUR RESPONSIBILITY TO ABSOLUTELY MAINTAIN SAFETY AS FAR AS PROTECTING PEOPLE FROM DANGER FROM ELECTRICAL SHOCKS. AND I CERTAINLY UNDERSTAND THAT YOU HAVE A MAJOR RESPONSIBILITY TO PROVIDE LEE ABLE ELECTRIC SERVICE. IN A LOT OF CASES THAT COULD CERTAINLY RELATE TO HUMAN SAFETY AS WELL, PEOPLE THAT DEPEND ON ELECTRICAL SERVICE FOR LIFE ITSELF. SO WE'RE NOT GOING TO ARGUE ABOUT THAT. WE KNOW THAT YOU HAVE TO DO THIS JOB. SO AS YOU POINTED OUT, THIS IS THE FIRST TIME YOU'VE DONE A COMPLETE TREE TRIMMING CYCLE IN HYDE PARK. YOU'VE BEEN GOING THROUGH IT, HOWEVER, FOR SEVERAL YEARS AND YOU'VE BEEN FIGHTING THESE BATTLES FOR SEVERAL YEARS. AND I HAVE OBSERVED THEM. SO I THINK WE'VE ALREADY SEEN IMPROVEMENTS AND I REALLY WANT TO COMMEND YOU FOR THE DEGREE OF COOPERATION YOU'VE SEASON IN EVERY SIN TANS I'VE SEEN WHERE THERE'S A CITIZEN COMPLAINT, AUSTIN ENERGY HAS MADE A GOOD ATTEMPTING TO OUT AND ADDRESS IT. AND SOUGHT ALTERNATIVE SOLUTIONS WHEREVER YOU COULD. I PERSONALLY HAD A VERY PLEASANT EXPERIENCE WHEN THEY TRIMMED MY TREES. SO THE PURPOSE OF THIS PROPOSED RESOLUTION IS NOT TO STAND IN THE WAY OF WHAT I KNOW YOU HAVE TO DO, BUT TO SEEK INPUT FROM OTHER PEOPLE TO SEE IF THERE ARE ALTERNATIVE SOLUTIONS, OTHER WAYS THAT WE COULD CONSIDER MAYBE IT WOULD BE WISE IN SOME CASES, COST EFFECTIVE EVEN TO BURY LINES. MAYBE IT WOULD BE COST EFFECTIVE TO RAISE OR RELOCATE LINES. MAYBE IT WOULD BE POSSIBLE TO HAVE DIFFERENT TREE TRIMMING CYCLES FOR DIFFERENT PARTS OF TOWN WHERE OLDER NEIGHBORHOODS WHERE THERE'S A LARGE NUMBER OF MATURE TREES. I DON'T KNOW THE ANSWERS TO ALL THESE QUESTIONS, BUT WHAT -- THE REASON THIS ITEM HAS BEEN ADVANCED IS TO TRY AND SEE IF WE CAN FIND

SOME OTHER WAYS TO DO THINGS. MAYBE WE CAN, MAYBE WE CAN'T. BUT I THINK THE PROCESS WILL BE PRODUCTIVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER McCracken.

McCracken: I'M CO-SPONSORING THIS ITEM WITH COUNCILMEMBER LEFFINGWELL AND COUNCILMEMBER DUNKERLEY BECAUSE AS WE LOOK ACROSS THE COUNTRY, WE SEE THAT OTHER CITIES ARE TAKING A, YOU KNOW, DIFFERENT APPROACHES ON THIS, BUT WE'VE ALSO DISCOVERED THAT INTERESTINGLY THERE'S NEVER BEEN ANY NATIONAL STUDY ON THE COST BENEFITS OF DIFFERENT APPROACHES ON HOW TO IMPROVE RELIABILITY. THE BEST STUDY IN THE WORLD IS FROM AUSTRALIA ACTUALLY. BUT IT APPEARS THAT THERE ARE DEFINITELY COST AND BENEFITS ASSOCIATED WITH DIFFERENT APPROACHES TO RELIABILITY AND WE'RE GOING TO HEAR FROM SPEAKERS RIGHT NOW, BUT I HAVE A VERY BIG CONCERN THAT IN OUR CHOICE MATRIX OF WHICH APPROACH WE ARE TAKING TO RELIABILITY, THAT WE HAVE CHOSEN A POLICY IN THIS COMMUNITY OF EFFECTIVELY DEFORESTATION OF OUR CITY TO IMPROVE RELIABILITY AS OPPOSED TO PERHAPS CHOOSING ANOTHER PATH OF TARGETING LINES THAT GO UNDERGROUND AND RAISING LINES. SO I HOPE WE HAVE SOME BETTER APPROACHES BECAUSE ONE OF THE THINGS WE HAVE IN THIS PROPOSAL BEFORE US TODAY FROM THE SPONSORS IS FOR A NATIONAL COMPETITION TO IDENTIFY THE MOST INNOVATIVE WAY TO BURY LINES, PROTECT MATURE URBAN TREES AND TO ALLOW THE PLANTING OF STREET TREES SO THAT WE CAN FIND SOME INNOVATIVE APPROACHES ON THIS AND ALSO THE TASK FORCE THAT WE ARE SETTING UP, WE ARE LOOKING FOR GUIDANCE ON SOME ISSUES. FOR INSTANCE, WHAT -- HOW SHOULD WE VALUE TREES, MATURE SHADE TREES. BECAUSE CURRENTLY RIGHT NOW, MUCH LIKE POLLUTION IS AN EXTERNALITY IN WHICH A FACTORY WILL SPEW POLLUTION IN THE AIR, COSTS ARE BORNE BY PEOPLE THAT BREATHE THE DIRTY AIR. RIGHT NOW WHAT WE DO IS WHEN WE CUT DOWN TREES, THAT IS AN EXTERNAL DAMAGE TO A SYSTEM ABSORBED BY HOMEOWNERS, BY THE COMMUNITY, ALTHOUGH IT IS A COST IMMATERIAL PROCEEDED ON THE SYSTEM BY THE AGENCIES WHEREVER

IT'S AUSTIN ENERGY OR LCRA, THEY ARE IMPOSING THE COST OF THE SYSTEM AND NOT PAYING FOR IT. IT'S ALMOST LIKE TAKING OUT COMPENSATION IN EFFECT. SO WE'RE LOOKING FOR GUIDANCE ON IDENTIFYING A TRUE GOOD MEASURE OF COST BENEFITS. I HAVE SOME QUESTIONS ALONG THOSE LINES, BUT I WANTED TO HEAR FROM OUR SPEAKERS FIRST.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WITHOUT OBJECTION, COUNCIL WILL GO TO OUR SPEAKERS. I CAN CALL THEM UP REAL QUICKLY. OUR FIRST SPEAKER IS TIM MAHONEY. WELCOME, TIM. I THINK SOMEBODY WAS FRYING TO DONATE -- TRYING TO DONATE TIME -- NO. YOU WILL BE FOLLOWED BY MARIE CAMEL.

THANK YOU, MAYOR. I'M TIM MAHONEY, CHAIR OF THE URBAN FORESTRY BORE AND I'M GOING TO MAKE THIS REAL SIMPLE BECAUSE I KNOW COUNCIL HAS REALLY PUT A LOT OF WORK INTO THIS RESOLUTION. AND I WANT TO THANK EVERY MEMBER OF THE COUNCIL FOR GETTING THIS BEFORE THE CITIZENS. FROM MAYOR PRO TEM TO COUNCILMEMBER McCRACKEN, COUNCILMEMBER DUNKERLEY, MAYOR WYNN, MS. KIM, MR. ALVAREZ AND MR. LEFFINGWELL. REALLY TAKEN ADVANTAGE OF AN OPPORTUNITY TO GO TO THIS TASK FORCE. AS YOU KNOW, THE URBAN FORESTRY BOARD PASSED A REPORT IN JANUARY TALKING ABOUT THE NEED FOR AN INVENTORY AND WE'RE MOVING FORWARD WITH THAT WITH THIS TASK FORCE. VERY COMPLEX AND IT NEEDS A COMMITMENT FROM THE CITY MANAGER AND THE CITY COUNCIL, AND WE HAVE THAT WITH THIS TASK FORCE. SO THANK YOU VERY MUCH. I'M LOOKING FORWARD TO WORKING WITH THE COUNCIL AND CITY MANAGER TO ACCOMPLISH THE GOALS THAT ARE PART OF THE RESOLUTION. I'D LIKE TO JUST READ VERY QUICKLY A STATEMENT FROM BRANDY CLARK, WHO SAYS THAT I SERVED ON THE URBAN FORESTRY BOARD FOR THREE, FOUR YEARS AND AS CHAIR FOR A YEAR. I PUT HUNDREDS OF HOURS INTO DEVELOPING THE MANAGEMENT PLAN AND MAKING THE CASE FOR A TREE INVENTORY. WE CAN'T MANAGE AND PLAN FOR WHAT WE DON'T KNOW IS THERE AND WHERE OUR DEFICIENCIES ARE, PLEASE SUPPORT AN INTERDEPARTMENTAL CITIZEN BAYED TASK FORCE THAT WILL LEAD TO STRATEGIC MEASURES FOR

MONITORING, MANAGING, PRESERVING AND PLANTING TREES IN OUR URBAN FOREST AND I THINK THIS TASK FORCE DOES JUST THAT. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. MAHONEY. MARIE CARMEL. WELCOME, MARIE. YOU WILL BE FOLLOWED BY DOROTHY RICHTER. AND IS CAROL BURTON HERE? CAROL WANTED TO DONATE NIGHT TO YOU, MARIE.

I DON'T NEED IT. I'LL GIVE TO IT JOHN MOORE. IF WE CAN KEEP PASSING IT ON. MARIE CARMEL, A HYDE PARK RESIDENT. OUR TREES ARE NOT BEING AFFECTED. I'M ALSO A LANDSCAPE ARCHITECT. I JUST WANTED TO -- THE ONE THANK I REACTED TO IN THE INDIVIDUAL THAT AUSTIN ENERGY WHAT WAS THEY TALK ABOUT BEING THE NATION'S LEADER AND I WANTED TO ENCOURAGE THIS TASK FORCE SO WE REALLY CAN BE THE NATION'S LEADER AND TRY TO COME UP WITH SOME KIND OF A COMPREHENSIVE WAY OF MANAGING OUR POWER NEEDS AND OUR URBAN FORESTS IN A WAY THEY DON'T COMPROMISE EACH OTHER. IT WOULD BE VERY NICE TO SEE THESE BATTLES NOT REFOUGHT EVERY FEW YEARS AS ANOTHER NEIGHBORHOOD GOES UNDER THE SAWS BUT TO REALLY COMPREHENSIVELY ATTACK IT AND LEAVE IT SOLVED. THAT'S ALL I HAVE TO SAY.

Mayor Wynn: THANK YOU, MR. CARMEL. DOROTHY RECOLLECT TER. WELCOME, DOROTHY.

I'D LIKE TO GIVE MY TIME TO [INAUDIBLE]

Mayor Wynn: WELL, BLESS YOU. LET'S SEE. ALL RIGHT. SYLVIA BENINI. WELCOME, YOU SIGNED UP. YOU WILL HAVE THREE MINUTE AND YOU WILL BE FOLLOWED BY CAROLYN PALANIA. SORRY IF I MISPRONOUNCED THAT.

GOOD AFTERNOON, COUNCIL. THANK YOU FOR ALLOWING ME A FEW MOMENTS TO ADDRESS THIS ISSUE. FIRST OF ALL, I HAVE DIFFICULTY LOCATING A COPY OF THIS RESOLUTION BECAUSE WHAT WAS ONLINE WAS A ONE-PARAGRAPH EXPLANATION. I WASN'T ABLE TO LOCATE THIS UNTIL I CAME TO CITY HALL IN PERSON TODAY. I'D LIKE TO MAKE NOTE OF

THAT. I'VE BEEN ATTENDING URBAN FORESTRY BOARD MEETINGS FOR THE LAST SEVERAL MONTHS AND IMMERSING MYSELF IN THIS ISSUE. I WANT TO COMMEND AUSTIN ENERGY FOR A REALLY GOOD PROGRAM. UNFORTUNATELY I WAS WITHIN OF THOSE PEOPLE IN 1995 THAT WAS WITHOUT POWER FOR 10 DAYS. I WAS ONE OF THE LAST TURNED ON. HAVING LIVED THROUGH AN EXPERIENCE WHERE THERE WASN'T PROPER MAINTENANCE GOING ON ON THE POWER LINES, I WOULD NOT LIKE TO SEE THAT REPEATED. I THINK THERE'S A VERY IMPORTANT NECESSITY TO PROPERLY MAINTAIN A PRINTING AND MAINTENANCE -- PRUNING AND MAINTENANCE CYCLE. THE SECOND THING THAT OCCURS TO ME WHEN I LOOK AT THIS RESOLUTION IS PART OF THE ISSUE I'VE BEEN STRUGGLING WHILE EDUCATING MYSELF ABOUT OUR URBAN AND SUBURBAN FOREST, WHICH IS THE DIFFERENCE BETWEEN PUBLIC TREES AND PRIVATE TREES. I WAS VERY PLEASED IN A KIND OF SAD WAY TO SEE THIS ISSUE BUBBLE UP AT THIS TIME AND BRING THE ISSUE OF OUR MATURE TREES TO THE FOREFRONT. LIKE OUR NEIGHBORS IN HANCOCK, I LIVE IN AN AREA OF TOWN IN TERRY TONE WHERE WE HAVE VERY MATURE TREES, 80 AND 100-YEAR-OLD GIANT TREES THAT OFTEN TOUCH ONE ANOTHER ACROSS THE STREETS, FOR INSTANCE. I'M VERY CONCERNED THAT WE DO PRESERVE THOSE OLDER TREES. I'M NOT QUITE SURE HOW WE'RE GOING TO GET THERE. I'D LIKE TO SEE PARTICIPATION IN THIS PROPOSED CITIZEN TASK FORCE TO INCLUDE REPRESENTATIVES FROM EVERY AREA OF TOWN AND TO BE A VERY OPEN PROCESS. I SUGGEST THAT MEETINGS BE PROPOSED FOR WEEKENDS WHEN MOST PEOPLE WHO MUST WORK MONDAY THROUGH FRIDAY CAN PARTICIPATE. I ALSO QUESTION IF 60 DAYS IS GOING TO BE THE PROPER AMOUNT OF TIME. HOW FAST CAN WE HAVE THE MEETINGS, HOW MANY MEETINGS A WEEK, PLENTY OF INPUT. I ALSO WANT TO COMMEND OUR CITY ARBORIST OFFICE, OUR CITY PARK FORESTERS. I STRONGLY URGE YOU TO CONSULT WITH THEM EVERY STEP OF THE WAY ON THIS. THEY ARE GREAT RESOURCES. THEY'VE BEEN WONDERFUL WHEN I'VE BEEN ASKING MILLIONS OF QUESTIONS. THANK YOU. ANY QUESTIONS?

Mayor Wynn: QUESTIONS FOR MS. BENINI, COUNCIL? THANK

YOU, MA'AM. CAROLYN -- I'M SORRY IF I'M MISPRONOUNCING THIS, CAROLYN. WELCOME. A NUMBER OF FOLKS WANTED TO DONATE TIME TO YOU. SO DOROTHY RICHTER AND TOM HALLBURG SIGNED UP IN FAVOR OF THIS ITEM. IS PAM WHEN WITTINGTON HERE? AND CLAIRE DEYOUNG. HELLO CLAIRE. YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT, CAROLYN.

I'LL TRY TO TO BE SHORT. I'M THE HANCOCK NEIGHBORHOOD REPRESENTATIVE ON THE HYDE PARK, HANCOCK AND EASTWOOD NEIGHBORHOOD ASSOCIATION TREE TASK FORCE. AND ONE OF THE REASONS WE ARE HERE AND BROUGHT THIS BEFORE THE COUNCIL IS OUR DEEP CONCERN WITH THE EXTENT OF REMOVAL AND TRIMMING OF TREES THAT IS GOING TO TAKE PLACE TO KEEP THE POWER LINES CLEAR. WE ARE VERY MUCH FOR SAFE AND SECURE POWER LINES, BUT WHAT WE FOUND IS THERE WAS NOT ENOUGH REVIEW OR EVALUATION TO REALLY LOOK AT THE IMPACT OF WHAT THIS WOULD DO CITY-WIDE AND ALSO THE COST THAT WOULD BE BORNE, THE VERY COST IN THE PROGRAM THAT AUSTIN ENERGY WAS PUTTING FORWARD. LOOKING AT URBAN FORESTRY STRUCTURE, THE BENEFITS OF TREES INCLUDE ENERGY CONSERVATION THROUGH TRANSPIRATIONAL COOLING, WIND, SHADE, FILTERING DUST, NOISE BUFFERING, STORM WATER ATTENUATION, PROVISION OF WILDLIFE HABITAT, INCREASED PROPERTY VALUE, IMPROVED AIR QUALITY AND PSYCHOLOGICAL WELL-BEING. NONE OF THESE ISSUES WERE BEING ADDRESSED UNDER THE AUSTIN ENERGY PROGRAM AND WE THOUGHT IN THE LONG RUN THE CITY WOULD SUFFER, ESPECIALLY A CITY THAT WAS CALLING ITSELF A GREEN CITY. SO MANY ENVIRONMENTAL PROJECTS THAT GO ON HERE THAT THIS PROGRAM WAS IN COMPLETE CONTRADICTION TO. THAT WE THOUGHT IF WE LET THIS PROGRAM GO WITHOUT ANY QUESTIONS ASKED, ANY EVALUATIONS DONE, WE WOULD LOOK BACK 10 YEARS AND GO WE HAVE DESTROYED OUR CITY. AND A TREE THAT TAKES 80 YEARS TO GROW CANNOT BE REPLACED OVERNIGHT. WE ALSO FOUND THAT THE TREE REPLACEMENT PROGRAM WAS WEAK AND INEFFECTIVE THAT WAS BEING PUT IN PLACE BY AUSTIN ENERGY. WHAT WE ARE TALKING ABOUT IS CANOPY SHADE. THEY

REFERRED TO THE ICE STORM OF 2000. WE CAN REFER TO THE SUMMER OF 2000, THE SUMMER OF 2001, THE SUMMER OF 2002. OUR ENEMY HERE IS HEAT. AND WE HAVE TO ADDRESS THAT. IF YOU TAKE OUT CANOPY, YOU ARE TAKING OUT THE ABILITY TO SEND YOUR CHILDREN OUT INTO THE YARD TO PLAY IN THE SUMMER. YOU ARE TAKING AWAY THE ABILITY FOR SOMEONE TO RIDE OR WALK INTO CAMPUS. THESE ARE ISSUES THAT WE NEED TO ADDRESS WHEN WE TALK ABOUT A LIVABLE CITY HERE IN AUSTIN. AGAIN, WE FOUND THAT THESE POLICIES WERE VERY MUCH IN CONFLICT WITH A LOT OF THE OTHER WAYS THAT WE LIKE TO VIEW OURSELVES AS AUSTINITES. ALSO, YOU KNOW, THIS IS A SMART CITY. THERE'S A LOT OF TALENT AND A LOT OF EXPERTISE HERE. AND TO FULLY ADDRESS THESE ISSUES, THE BENEFITS OF TREES, WE NEED TO BRING EXPERTS TO THE TABLE THAT CAN LOOK AT THE COMPLEXITY OF THIS PROBLEM. IT'S NOT JUST A TREE PROBLEM. IT'S A UTILITY PROBLEM. IT'S A LIVABILITY IN AUSTIN PROBLEM. AND WE NEED TO BRING A FULL SCORE OF EXPERTS TO THIS TASK FORCE TO REALLY LOOK AT THIS AND SEE IF WE ARE DOING THIS IN THE MOST EFFECTIVE AND COST BENEFIT WAY THAT'S POSSIBLE. AND WE ARE VERY PLEASED THAT THE COUNCIL HAS TAKEN A CLOSE LOOK AT THIS, EVEN TO THE POINT OF PUTTING OUT A NATIONAL COMPETITION BECAUSE I THINK THAT AUSTIN CAN PROVIDE A NATIONAL STANDARD FOR HOW TO DEAL WITH HAVING SAFE AND SECURE POWER LINES BUT STILL PRESERVING YOUR OLDER NEIGHBORHOODS AND YOUR OLDER TREES. SO THANK YOU VERY MUCH FOR YOUR CONSIDERATION. I REALLY APPRECIATE THE WORK THAT THE COUNCIL HAS DONE ON. I THINK WE CAN MAKE A NATIONAL STATEMENT WITH WHAT WE'RE DOING HERE TODAY. THANK YOU.

Mayor Wynn: THANK YOU, CAROLYN. DELANO, WELCOME. YOU WILL BE FOLLOWED BY JOHN MOORE. SO WHAT CLASS OF AUSTIN HIGH SCHOOL ARE YOU? HALF BACK, RIGHT?

I TELL YOU WHAT. MAYOR WYNN, HONORABLE COUNCILMEMBERS AND CITIZENS OF AUSTIN. I AM DELIGHTED TO BE HERE BECAUSE TREES, HAVING GROWN UP IN AUSTIN, HAS BEEN A PART OF AUSTIN THAT I CAN REMEMBER FROM MY YOUTH. AND EVERY ADVERTISEMENT I

STILL SEE ABOUT THE CITY OF AUSTIN TALKS ABOUT TREES. EVEN THOUGH WE'RE CHANGING SOME OF THE STRUCTURES IN THE COMMUNITY, THE TREES REMAIN. AND I THINK THAT'S IMPORTANT THAT WE CONTINUE TO SAVE THE TREES IF POSSIBLE. I WANTED TO BRING TO YOU A PARTICULAR INCIDENT. I GREW UP AT 43rd AND BENNETT, WHICH IS ONE BLOCK EAST OF RED RIVER. THAT WAS MY HOME. AND THAT'S AHAY AI ADJACENT TO HANCOCK SHOPPING CENTER WHICH WAS THE BACK 9 OF THE COUNTRY CLUB. MY DAD HAD PLANTED A TREE THIS THAT FRONT YARD AND THAT HOUSE WAS IN OUR FAMILY FOR SOME 55 YEARS. THAT TREE, AS I UNDERSTAND IT NOW, WILL BE CUT DOWN EVEN THOUGH IT'S THREE FEET WITHIN OUR PROPERTY LINES AND IS OAK. I SAY OURS BECAUSE I'M STILL ATTACHED TO THE HOME EVEN HOE I DON'T OWN IT. NEXT DOOR THERE IS A HUGE, HUGE PECAN TREE THAT WILL BE TRIMMED UNFERS I FULLY BECAUSE IT TOO, EVEN THOUGH IT'S INSIDE THE OWNER'S PROPERTY LINE SOME 10 FEET WILL BE TRIMMED BECAUSE OF THE WIRES. I JUST THINK THERE'S A BETTER WAY. I PRESENTLY LIVE IN EASTWOODS NEIGHBORHOOD ASSOCIATION WHICH IS JUST SOUTH BETWEEN 32nd AND DAN KEATON, RED RIVER AND DUVALL AND RIGHT IN THE MIDDLE OF THAT NEIGHBORHOOD IS EASTWOODS PARK. I'M VERY FOND OF THAT PARK AS ARE A NUMBER OF AUSTINITES AND HAVE BEEN INVOLVED WITH THE PARKS AS FAR AS TREES ARE CONCERNED THERE. I JUST FEEL LIKE THAT THERE COULD BE A BETTER WAY TO DO THIS TREE TRIMMING IF POSSIBLE. I THINK THAT MORE CONSIDERATION CAN BE GIVEN IN DIFFERENT AREAS AND I DON'T WANT TO TAKE UP A LOT OF YOUR TIME, BUT I DO APPRECIATE ALL OF YOU ALL'S EFFORTS TO TRY TO SEE THAT AUSTIN STAYS BEAUTIFUL. I LIKED IT WHEN AUSTIN WAS THE FRIENDLY CITY, BUT WE HAVE A NEW NAME NOW. BUT I'M FOR THAT TOO. BUT I SURE WOULD LIKE TO SAVE SOME OF THESE TREES IN OUR OLD NEIGHBORHOODS. IT'S NOT JUST THESE NEIGHBORHOODS. IT'S BARTON HEIGHTS, IT'S TRAVIS HEIGHTS, IT'S EAST AUSTIN, IT'S WEST AUSTIN, EVERYTHING IN CENTRAL AUSTIN. THOSE ARE OLD GROWTH TREES. AND I WISH WE HAD HAD A POLICY THAT THEY EXPLAINED A FEW YEARS AGO THAT NOW THEY'VE GONE INTO EFFECT TO TRY TO PLANT DIFFERENT TYPE TREES AROUND SOME OF THESE POWER LINES, BUT THEY DIDN'T

HAVE THAT BACK WHEN WE WERE PLANTING TREES. THANK YOU VERY MUCH FOR YOUR SUPPORT.

Mayor Wynn: THANK YOU, DELANO. JOHN MOORE. WELCOME, JOHN. LET'S SEE. IS MORE GOA THOMAS HERE? I DON'T SEE HER. HOW ABOUT JANET RESOVI. JANET. SHANNON OFF AND ON OR DENISE GERARD. JOHN, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

THANK YOU. MAYOR, COUNCILMEMBER LEFFINGWELL, COUNCILMEMBER McCRACKEN, COUNCILWOMAN DUNGERLY, I CAN'T TELL YOU HOW GRATEFUL I AM FOR THE WAY YOU'VE RESPONDED TO US AND NOT JUST IN HYDE PARK WITHIN HANCOCK AND EASTWOODS WITH THE PEOPLE WHO HAVE STRUGGLED TO BRING THIS ISSUE TO YOUR ATTENTION. IT'S IN THE BEST TRADITION OF DEMOCRACY AND IN THE CITY OF AUSTIN THE WAY YOU ALL HAVE RESPONDED AND I CANNOT VOICE MY APPRECIATE STRONGLY ENOUGH. HYDE PARK IS A NEIGHBORHOOD OF.

BY 75-FOOT LOTS. WITH MODEST HOMES FOR THE MOST PART. THEY ARE HEAVILY TAXED BECAUSE OF OUR PROXIMITY TO DOWNTOWN AND TO THE UNIVERSITY WHICH WE TREASURE. I'VE LIVED THERE 10 YEARS. THE CITY OF AUSTIN, AUSTIN ENERGY, I WAS -- I WAS HUMBLLED BY THE PRESENTATION THAT YOU SAW FROM AUSTIN ENERGY IN THEIR ANNUAL REPORT. THEY ARE A BIG OUTFIT. A LOT OF MOVING PARTS. A LOT OF POWER. WE'RE JUST NEIGHBORS ORGANIZED TO TRY TO HELP THE CITY OF AUSTIN FROM MAKING AN AGGREGIOUS, IRREVOCABLE MISTAKE. THE AUSTIN STATESMAN TALKED ABOUT A 16-MINUTE DIFFERENCE IN THE RESPONSE TO OUTAGES BETWEEN WHEN THEY STARTED THIS TREE TRIMMING AND NOW. I THINK IF YOU ASK MY NEIGHBORS, THEY WOULD RATHER SUFFER THAT 16 MINUTES THAT AUSTIN ENERGY CLAIMS TO HAVE IMPROVED ITS RESPONSE THAN THEY WOULD TO DO WITHOUT ANY TREES. WHEN WE'RE TALKING ABOUT TRIMMING IN HYDE PARK, SO-CALLED TRIMMING, IT'S NOT TRIMMING AT ALL. IF YOU HAVE TO HAVE 15 FEET OF CLEARANCE ALL AROUND A 50 BY 70-FOOT LOT, AND YOU FIGURE THERE'S SOME LITTLE AREA TAKEN UP IN THE MIDDLE OF THAT LOT BY A HOME, THAT LEAVES NO ROOM FOR THE TREES. WE TALK ABOUT URBAN TREES. WE TALK

ABOUT MATURE TREES. WE TALK ABOUT HOW MATURE TREES CAN HELP WITH -- STEM STORM RUNOFF, HOW THEY CONTRIBUTE TO REMOVING PLOONT ANTS FROM THE AIR, HOW THAT HE CBT -- STIFN ENERGY'S WEBSITE SAYS 5 TO 7 DEGREES DIFFERENCE IN A HOUSE OR 4 TONS OF AIR CONDITIONING IS THE DIFFERENCE BETWEEN HAVING MATURE TREE OVER YOUR HOUSE AND NOT HAVING THAT TREE. PLATTED HYDE PARK IN 1981 AND PUT THESE TREES IN PLACE. THIS IS THE FIRST STREET CAR SUBURB IN AUSTIN. IN 1941, WE RIPPED UP THOSE STREET CAR TRACKS. THAT WAS A TERRIBLE MISTAKE. AND I THINK WE ALL RECOGNIZE THAT TODAY. IF WE DENUDE HYDE PARK, IF WE TRIP AWAY ALL THE MATURE TREES TAGGED FOR DESTRUCTION IT WILL BE A DIFFERENT PLACE AND IT WILL BE MUCH HOTTER. WE -- WE ARE PREPARING AND REACTING TO AN ICE STORM, BUT WE KNOW WE'VE GOT GLOBAL WARMING. WE KNOW WE'RE WALKING AROUND IN JANUARY IN SHORT SLEEVES AND WE KNOW WHAT KIND OF SUMMER IS GOING TO BE VISITED UPON US JUST LIKE LAST SUMMER. I DON'T WANT TO TAKE UP A LOT OF YOUR TIME EITHER, BUT I DO WANT TO SAY THAT I'M GRATEFUL FOR MR. GARZA AND THE OTHERS WHO HELP PARTICIPATE ON THIS TASK FORCE, BUT ONE OF THE THINGS I HOPE THE TASK FORCE WILL RECOGNIZE IS THE DISCREPANCY BETWEEN THE FIGURES WE'VE SEEN AND THE PRACTICES WE'VE SEEN FROM THE CITY'S CONTRACTOR MOST SPECIFICALLY ASP ECHT LIN IN TERMS OF NOTIFICATION. BASICALLY THINK SHOW UP AND SAY WE'RE GOING TO CUT YOUR TREES AND IF YOU WANT TO SAVE THAT TREE, WE'LL CUT SOME BIG BRANCHES, BUT IT'S GOING TO BE REALLY UGLY AND PROBABLY DIE WHEN WE LEAVE. THAT'S THE PRACTICE. WITHIN OF MY NEIGHBORS AND I CONFRONTED A TRUCK AND WE TALK ABOUT CERTIFIED OR ARBORIST AND THE TRAINING THEY ARE SUPPOSED TO RECEIVE, WE CONFRONTED THAT TRUCK AND IT DEVELOPED THERE WAS A CERTIFIED ARBORIST. THAT DAY HE WAS SUPERVISING NINE CREWS. TOOK HIM ABOUT 15 OR 20 MINUTES. SOME OF US WANDERED AWAY BEFORE HE GOT THERE. IN THE MEANTIME, WHEN THEY CONTINUED PRUNING, WE'VE LEARNED A LOT ABOUT SAFETY PRACTICES IN THE INDUSTRY. WE HEAR A LOT ABOUT THEM FROM AUSTIN ENERGY. WE'VE BEEN ABLE TO LOOK SOME OF THEM UP. THE MAN THAT WAS OPERATING

THAT BUCKET THAT WAS TRIMMING THE TREES I WATCHED THAT DAY WAS DOING IT COUNTER TO EVERYTHING YOU SEE IN THE TRAINING MANUALS AS TO HOW THAT BUCKET IS OPERATED. I LOOK IN THE CONTRACT. MR. GARZA JUST SAID 7.5 MILLION FOR TREE TRIMMING. I'VE GOT CONTRACT DOCUMENTS THAT I PROVIDED YOUR STAFF THAT SHOW \$10.8 MILLION IN ASPELINs CONTRACT INCLUDING \$3 MILLION LABOR SUBCONTRACT FOR COMMON LABOR. NOW, I ASK YOU HOW TRAINED ARE THOSE COMMON LABORERS, AND I ASK YOU WOULD IT BE BETTER TO TAKE THAT \$10.7 MILLION AND INVEST IT IN A CAPITAL IN AUSTIN OR KEEP EXPENSING IT OUT TO ASPELIN EVERY YEAR. I COULD GO ON AND ON BUT I'M GOING TO TRY AND QUIT NOW. I HAVE A LOT OF ISSUES. ALL OF US IN THE NEIGHBORHOOD HAVE A LOT OF ISSUES AND WE APPRECIATE THE OPPORTUNITY AND LOOK FORWARD TO THE OPPORTUNITY IN GOING INTO ALL THESE ISSUES IN THE TASK FORCE. ONE MORE WORD I'D LIKE TO SAY, I'D BE REMISS IN NOT ACKNOWLEDGING THE ASSISTANCE IN NEGOTIATING THE CITY STRUCTURE THESE DAYS THAT I RECEIVED FROM URBAN FORESTRY CHAIRMAN TIM MAHONEY. HE IS A -- DOES CREDIT TO THE IDEA OF CITIZEN SERVICE TO THIS CITY. MAYOR, MR. LEFFINGWELL, MR. MCCrackEN, MS. DUNKERLEY, THANK YOU VERY MUCH.

I HAD A QUESTION. JOHN, IS THE CONTRACT WITH ASPELIN YOU SAW JUST A ONE-YEAR CONTRACT FOR 10.8?

THE CONTRACT WAS EXECUTED -- I'M NOT SURE I HAVE ALL THE DOCUMENTS, SIR, BUT WHAT THE CITY ATTORNEY'S OFFICE HAS PROVIDED IS IT WAS EXECUTED IN 2001 WITH FOUR RENEWALS AVAILABLE. THE WAY I RECKON IT, IT IS UP THIS SPRING. AND IT SHOWED AN ANNUAL -- IT SHOWED THE ANNUAL RATE AT 9 MILLION, BUT THE ANNUAL ACTUAL BILLING I THINK IS WHAT I HAVE OF 10.798 -- 10-8 MILLION.

McCracken: IS THERE SOME CLARIFICATION FROM AUSTIN ENERGY ABOUT THE DIFFERENCE BETWEEN 7.5 AND 10.8 MILLION?

GOOD AFTERNOON, COUNCIL. I'M CHERYL MEALY WITH AUSTIN ENERGY, VICE PRESIDENT OF ELECTRICAL SERVICE DELIVERY. THE CONTRACT AUTHORITY, SPENDING AUTHORITY ACTUALLY IS PROBABLY CLOSER TO \$10.8

MILLION. OUR ANNUAL BUDGET DOES THOUGHT HAVE THAT MUCH MONEY IN IT. WHEN IT WAS APPROVED AS A PURCHASING CONTRACT, THAT WAS THE AUTHORITY FOR SPEND, BUT THE BUDGET IS CLOSER TO THE NUMBERS MR. GARZA PRESENTED AS \$7.5 MILLION.

McCracken: I GUESS WHAT I'M SEEING IS PERHAPS IT APPEARS THE CONTRACT WAS 9 MILLION BUT THE ACTUAL EXPENDITURES IS 10.7 IS WHAT YOU SAW.

IT'S HARD FOR ME TO TELL, SIR, BUT I'D BE HAPPY TO TRY TO RECONCILE THESE. THE OTHER PERVERSE INCENTIVE IN THIS CONTRACT IS A \$350 BOUNTY ON MATURE TREES THAT ASPELIN SEEMS TO GET EXTRA WHEN THEY CUT DOWN A TREE OVER 19 INCHES IN DIAMETER.

McCracken: THAT SOUNDS PRETTY TROUBLING.

WOULD YOU LIKE ME TO COMMENT ON THAT? YEAH, IF THEY -- THE WAY THE CONTRACT IS SET UP IS WE DO BENCH MARK WORKS WHICH MEANS THE PRICING IS REALLY BASED IN GENERAL ON THE MILES OR THE LINE FEET THAT ARE PRUNED. BUT WHEN THERE IS A LARGE TREE INVOLVED THAT IS DETERMINED THAT HAS TO BE REMOVED, THERE IS ADDITIONAL FUNDS PAID TO ASPELIN BECAUSE THE LABOR TO REMOVE THAT TREE IS OBVIOUSLY HIGHER.

WHICH WE CAN TAKE THIS UP AT SOME OTHER TIME, BUT WE'RE PAYING THEM BY THE HOUR ANYHOW, SO WE'RE PAYING THEM BY THE HOUR PLUS WE'RE PAYING THEM A PREMIUM.

JUST TO CLARIFY, WE SOMETIMES HIRE THEM BY THE HOUR, BUT A LOT OF OUR WORK IS ACTUALLY DONE ON A PERFORMANCE BASE WHICH MEANS THERE'S A UNIT PRICE PER LINE FOOT OR MILE DEPENDING ON HOW WE'RE APPLYING THAT. SO THEY ARE NOT GETTING PAID HOURLY BUT JUST BY A UNIT. IT'S CALLED A UNIT PRICE CONTRACT.

McCracken: AS WE WORK THROUGH THE WORK OF THE TASK FORCE, I THINK IT WOULD BE VERY HELPFUL FOR TO US GET THE MOST ACCURATE INFORMATION POSSIBLE ABOUT WHAT WE ARE ACTUALLY SPENDING ON TREE TRIMMING AND

REMOVAL A YEAR. AND I ALSO DO THINK THAT IT'S A FAIR QUESTION WHETHER WE HAVE MAYBE THROUGH WELL INTENTIONED EFFORTS ACTUALLY CREATED A PERVERSE ECONOMIC SENSE I HAVE TO DEFOREST THE CITY BECAUSE WE'VE BEEN TRYING TO FIGURE OUT ASPELIN'S SEEMING ZEAL TO REMOVE MATURE TREES AS OPPOSED TO TRIM THEM. AND THAT MAY BE A FACTOR. I THINK IT WOULD BE SOMETHING HELPFUL THE TASK FORCE TO LOOK AT. MAYBE WE SHOULD GIVE THEM A BONUS IF THEY DON'T CUT A TREE DOWN.

Mayor Wynn: THANK YOU, COUNCILMEMBER. THANK YOU, MR. MOORE. COUNCILMEMBER LEFFINGWELL.

Leffingwell: IS AUSTIN ENERGY REQUIRED TO GO THROUGH THE PERMITTING PROCESS TO REMOVE A PROTECTED TREE, THE OVER 19-INCH TREE AND DO YOU DO SO?

YES, SIR, WE ARE REQUIRED TO USE THE SAME PROCESS AS ANYBODY ELSE, PRIVATE AND SO IF WE HAVE A LARGE TREE IT IS REVIEWED BY THE APPROPRIATE CITY DEPARTMENTS.

Leffingwell: AND DO YOU NORMALLY CONTRIBUTE TO REPLENISHMENT FUNDS?

WE ARE REQUIRED TO DO THE MITIGATION AS WELL.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU, MR. MOORE. OUR NEXT SPEAKER IS JOAS POSANO. WELCOME, JOYCE. YOU WILL BE FOLLOWED BY LISA HARRIS.

GOOD AFTERNOON, MAYOR WYNN AND CITY COUNCIL. MY NAME IS JOY BASIANO AND I AM ON THE YOU ARE BONN FORESTRY BOARD AND HAVE TAKEN PART IN TASK FORCE BEFORE AND I APPRECIATE THE CONCERN OF THE CITIZENS. AND I JUST CAME HERE THIS AFTERNOON BASICALLY FOR CLARIFICATION ON THIS RESOLUTION. BY URBAN FOREST, I WANT TO MAKE IT CLEAR ARE YOU TALKING ABOUT THE PUBLIC AND THE PRIVATE URBAN FOREST?

I THINK BOTH.

ABSOLUTELY BOTH, OKAY. WHEN YOU SPEAK OF NEIGHBORHOOD GROUPS AND ASSOCIATIONS, WOULD THAT INCLUDE OTHER NEIGHBORHOODS BESIDES THE THREE THAT ARE HERE THIS AFTERNOON FOR THIS ISSUE?

I THINK THAT'S A MATTER FOR THE TASK FORCE TO DETERMINE WHAT IS SCOPE OF THEIR RECOMMENDATION IS.

OKAY. HOW MANY PEOPLE WILL BE INVOLVED IN THIS TASK FORCE?

DON'T KNOW RIGHT NOW.

DON'T KNOW RIGHT NOW. OKAY.

Mayor Wynn: IS THAT IT?

NO, THERE'S ONE OTHER QUESTION. WHAT IS THE LAND USE TRANSPORTATION SUBCOMMITTEE? IS THAT PART OF THE DEPARTMENT OR IS THAT BOARD OR COMMISSION?

THAT IS -- CONSISTS OF MYSELF, THE CHAIR IS COUNCILMEMBER McCRACKEN AND ALSO COUNCILMEMBER DUNKERLEY.

OKAY. YOU TALK ABOUT BURYING UTILITY LINES AND THERE'S MONEY OR FUNDING AVAILABLE PREVIOUSLY APPROPRIATED BY CITY COUNCIL BUT NEVER SPENT. HOW MUCH MONEY IS THERE AVAILABLE?

I DON'T KNOW.

WE'RE GOING TO FIND ALL THESE THINGS OUT.

I'VE GOT THE ANSWER FOR YOU. THE CITY AUDITOR'S OFFICE HAS REPORTED TO COUNCIL, MY RECOLLECTION IS THAT APPROXIMATELY \$1.3 MILLION OF FUNDS ARE APPROPRIATED BY THE COUNCIL IN 1999 FOR BURYING LINES HAVE NOT BEEN SPENT TO DATE. THE ANTICIPATION IS THAT THIS NATIONAL COMPETITION, IF WE'RE GOING TO

TRACK HOW NATIONAL COMPETITIONS TYPICALLY WORK, THAT THE PRIZE RANGE WOULD BE IN THE RANGE OF \$300,000 OF MONEY THAT'S ALREADY BEEN APPROPRIATED FOR LINE BURYING THAT HAS NEVER BEEN SPENT.

OKAY. THANK YOU. AS FAR AS BURYING THE UTILITY LINES UNDERGROUND, WOULD YOU -- WOULD THIS CONTEST INCLUDE OTHER NEIGHBORHOODS OUTSIDE OF THE THREE THAT ARE HERE TODAY? I KNOW THERE ARE PEOPLE IN WEST AUSTIN WHO ARE INTERESTED THIS THIS TOO.

I DON'T WANT TO PRE-JUDGE WHERE THE PILOT PROJECT WOULD GO. I DO THINK THAT THAT WOULD BE -- THE ANTICIPATION OF THE COMPETITION IS THAT THE MOST INNOVATE OF APPROACH TO EMERGE FROM THIS NATIONAL COMPETITION, WE WOULD PUT TONIGHT PLACE IN A PILOT PROJECT IN THE CITY OF AUSTIN. AND WE WOULD REALLY LOOK FOR GUIDANCE FROM THE TASK FORCE ON THE APPROPRIATE PLACE. BUT IN CONJUNCTION OBVIOUSLY WITH THE UTILITIES DECISION-MAKING.

IN MY PREVIOUS EXPERIENCE ON A TASK FORCE, EDUCATION OF THE PUBLIC IS VERY IMPORTANT. THEY NEED TO KNOW WHAT THE HAZARDS ARE. THANK YOU.

Mayor Wynn: THANK YOU, JOYCE. NEXT SPEAKER IS LISA HARRIS. WELCOME, LISA. GRANT THOMAS WAS OFFERING TO DONATE TIME. I THOUGHT I SAW GRANT EARLIER. IS GRANT THOMAS HERE? THEN LISA, YOU HAVE UP TO THREE MINUTES IF YOU NEED IT. WELCOME.

THANK YOU VERY MUCH FOR TAKING UP THIS ISSUE AND I THINK THAT THE RESOLUTION THAT'S PROPOSED WOULD BE A VERY GOOD FIRST STEP. HAVING FOLLOWED THE PRESS COVERAGE OVER THE PAST SEVERAL YEARS, THE FREQUENCY WITH WHICH THIS ISSUE HAS COME UP IN DIFFERENT NEIGHBORHOODS IS DISTURBING BECAUSE GENERALLY AUSTIN ENERGY HAS BEEN A VERY CONSUMER-FRIENDLY COMPANY AND IS VERY GOOD ABOUT RESPONDING TO CUSTOMERS, BUT ON THIS ISSUE THE RESPONSE SEEMS TO BE LESS. AND SO I THINK THAT THIS -- THIS RESOLUTION WOULD BE A GOOD FIRST STEP IN MAKING THAT PART OF AUSTIN ENERGY MORE LIKE THE OTHER

PARTS OF AUSTIN ENERGY. AND SO I WOULD APPRECIATE YOUR SUPPORT. THANKS.

Mayor Wynn: THANK YOU, MS. HARRIS. BRANDY CLARK. BRANDY CLARK SIGNED UP WISH TO GO SPEAK IN FAVOR OF THIS ITEM AS DID PAUL WOULD BE ROBBINS. I'LL READ INTO THE FOLKS NOT WISHING TO SPEAK IN FAVOR OF THE ITEM. GLORIA RENTERIA, LAURA MORRIS SON, PETER MCNEALDS, SHARON BROWN, SHAWN KERR, SUES SUZANNA R. SCOTT, BRAD LEWELN, HOLLY JEFFCOAT, COCOA ROAST, DONALD REDMONDAY, POLL ANNA LITTLE AND SAGE WHITE. WELCOME, MR. ROBBINS.

COUNCIL. AUSTINITES. BEFORE I START, DOROTHY RICHTER SAID SHE WOULD DONATE HER TIME TO ME SHOULD I GO OVER. I'LL TRY NOT TO. I'M PAUL ROBBINS, AN ENVIRONMENT WILL AND CONSUMER ACTIVIST. I DON'T IN GENERAL HAVE A PROBLEM WITH AUSTIN ENERGY'S PROGRAM. WHAT BOTHERS ME MORE, WHAT BOTHERS ME IS THAT THE UTILITY WILL NOT RESTORE WHAT IT TOOK AWAY. AUSTIN ENERGY CONTRIBUTES TO THREE SEPARATE PROGRAMS THAT TOGETHER PLANT ABOUT 6,000 NEW TREES A YEAR. BUT THE BIOMASS THAT IT CUTS DOWN AND THAT IS DISCARDED AMOUNTS TO ABOUT 11,000 FULL-GROWN TREES A YEAR. ASSUMING A 90% SURVIVAL RATE FOR NEW TREES THAT THEY PLANT, AUSTIN ENERGY'S -- AUSTIN ENERGY PLANTS ABOUT ONE TREE FOR EVERY TWO TREES THAT IT TAKES DOWN. NOW, SOME OF THE COUNCIL HERE WILL PROBABLY WANT TO CHANGE THIS. THE PROBLEM IS THE BUREAUCRACY DOESN'T. IT'S NOT THAT THE AUSTIN CITY GOVERNMENT IS ANTI-TREE, IT'S THAT IN GENERAL IT DOESN'T SEE THE URBAN FOREST AS PART OF ITS JOB. THE CITY GOVERNMENT IN GENERAL DOES NOT CONSIDER TREES AS PART OF ITS INFRASTRUCTURE. TO DOUBLE THE AMOUNT OF TREES PLANTED IN AUSTIN WILL BY MY -- EXCUSE ME, BY AUSTIN ENERGY, BY MY ESTIMATE WILL BE ABOUT 240, \$250,000 A YEAR. AND SINCE IT IS FEBRUARY AND SINCE THE BUDGET WRITING PROCESS HAS BEGUN, THIS IS THE IDEAL TIME TO HAVE THIS INCLUDED IN THE NEXT BUDGET CYCLE. ONE OTHER THING. COUNCILMEMBER McCRACKEN JUST SPOKE ABOUT THE DETERIORATING EQUAL OF LIFE FROM CUTTING DOWN THE URBAN FOREST. I STUDY I PRESENTED IN YEAR 2000 SHOWED THAT BETWEEN

1985 AND 1997 TRAVIS COUNTY LOST TWO SQUARE MILES OF FOREST A YEAR. THERE WAS ANOTHER SQUARE MILE OF AGRICULTURAL LAND LOST A YEAR. WHAT IS THE CITY REALLY GOING TO DO TO STOP THE HEAT ISLAND EFFECT? GOING WAY PAST THE TREES THAT AUSTIN ENERGY CUTS DOWN, WHAT IS THE CITY OF AUSTIN GOING TO DO TO STOP TWO SQUARE MILES OF TREES A YEAR THAT WE LOSE, WHAT IS IT GOING TO DO TO STOP THIS AND WHAT IS IT GOING TO DO TO MITIGATE THE PAST LOSS? THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. COUNCIL, THAT'S ALL OF OUR CITIZEN INPUT REGARDING THIS ITEM. WE'LL APPROACH -- WELCOME. COMPUTER HASN'T CAUGHT UP WITH YOU YET.

THE KIOSK, IT'S A LONG LINE. I'M JEFF JACK PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. WE RECENTLY DID A SURVEY OF OUR MEMBERSHIP WITH REGARD TO ISSUES IMPORTANT TO US GOING INTO NEIGHBORHOOD PLANNING. ONE OF THE ISSUES THAT CAME UP OFTEN AND WAS VERY MUCH AT THE TOP OF THE PRIORITY LIST WAS MAINTAINING THE TREE CANOPY IN OUR NEIGHBORHOOD. WE FEEL STRONGLY ONE OF THE THINGS THAT NATION ZILKER WHAT IT IS IS THE GREAT AND WONDERFUL YOU URBAN FOREST SO WE REALLY ENCOURAGE TO YOU WORK WITH AUSTIN ENERGY AND COME UP WITH A TREE TRIMMING POLICY THAT WORKS FOR THE NEIGHBORHOODS AS WELL AS AUSTIN ENERGY. IF YOU DRIVE DOWN THE STREETS OF ZILKER, WHAT YOU WILL SEE IN MANY INSTANCES THAT WONDERFUL OLD TREES HAVE -- BASICALLY HAVE THE HEART CUT OUT OF THEM FOR A POWER LINE. WHAT HAPPENS OVER THE LONG TIME, THAT TREE TRIMMING MAY FACILITATE KEEPING THE POWER LINE IN PLACE, BUT IT CERTAINLY IS DETRIMENTAL TO THE LIFE OF THE TREE. THE TREE EVENTUALLY DIES AND WE HAVE TO START OVER. I REALLY ENCOURAGE TO YOU WORK WITH AUSTIN ENERGY TO GET THIS DONE. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. COUNCIL, THAT CONCLUDES OUR CITIZEN FEEDBACK ON THIS ITEM NUMBER 19. COUNCILMEMBER McCracken.

McCracken: I HAD SOME QUESTIONS. I GUESS MR. GARZA,

WHAT ARE THE TREES IN THE CRITERIA MANUAL THAT AUSTIN ENERGY IS USING AS REPLACEMENT, SPECIFYING AS REPLACEMENT TREES?

I DON'T HAVE THAT LIST WITH ME. BUT I CAN GET THAT LIST FOR YOU REAL QUICKLY. I HAPPEN TO REMEMBER ONE IS A CREPE MYRTLE. BUT THERE'S SEVERAL SPECIES THAT CAN BE TRANSPLANTED.

McCracken: IN GENERAL I KNOW WE TALKED -- MY UNDERSTANDING IS THAT IN GENERAL THE TREES ARE ORNAMENTAL, SMALLER TREES.

SMALLER TREES, YES.

McCracken: AND I GUESS THAT DOES RAISE THE QUESTION THAT WE ARE TAKING MATURE PECAN AND OAK TREES THAT ARE SHADE PRODUCING, FOR INSTANCE, AND REPLACING THEM WITH ORNAMENTALS THAT ARE NOT VIEWED AS SHADE PRODUCING TREES. IS THAT FAIRLY CHARACTERIZE WHAT THE TREEZ ARE IN THE REPLACEMENT?

NOT EXACTLY. WE PLANT TALLER GROWING TREES AWAY FROM OUR LINES. SO WE DONATE TREES THAT CAN BE PLANTED ON PRIVATE PROPERTY WHICH CAN GROW TO A MUCH BIGGER HEIGHT. WE'RE STRICTLY TALKING ABOUT THE TREES PLANTED DIRECTLY UNDER THE LINES. THOSE ARE THE SMALLER VARIETY.

McCracken: I THINK IT WAS MR. MOORE POINTED OUT IN SOME OF OUR NEIGHBORHOODS WITH SMALLER LOTS AND WE'RE DEALING WITH ANOTHER ISSUE LATER THIS EVENING OF OUR OL HOLDER, HISTORIC NEIGHBORHOODS AND SMALLER LOTS. HE POINTED OUT AN ISSUE IS THAT YOU MAY NOT HAVE MUCH ROOM FOR A TREE WHEN YOU HAVE YOUR HOUSE, THE SITUATIONS. DO WE HAVE DATA ON HOW MANY SHADE TREES WE HAVE ACTUALLY REPLACED HERE IN AUSTIN AFTER CUTTING DOWN EXISTING MATURE SHADE TREES?

I'M NOT SURE THAT WE DO, BUT THAT'S ANOTHER ONE I'LL RESEARCH FOR YOU.

McCracken: AND DO WE HAVE -- I KNOW THIS IS ONE THAT LIKELY NO ONE HAS ON THE TOP OF THEIR HEAD ALSO, BUT I THINK IT WOULD BE HELPFUL FOR US TO KNOW HOW MANY MATURE SHADE TREES ALL OF OUR CITY DEPARTMENTS HAVE CUT DOWN SAY OVER THE LAST FIVE YEARS AS PART OF THE TREE TRIMMING PROGRAM. I KNOW AUSTIN ENERGY IS NOT THE ONLY UTILITY THAT DOES THIS. DEVELOPMENT REVIEW DOES IT, WATERSHED PROTECTION -- NOT DEVELOPMENT REVIEW, WATERSHED PROTECTION AND MAYBE OTHER DEPARTMENTS. THAT'S SOMETHING THAT WILL HELP THE TASK FORCE AND THE POLICY MAKERS WOULD LIKE TO KNOW.

IT SHOULD BE STRAIGHTFORWARD BECAUSE WE DO GET PERMITS FOR THESE TREES.

McCracken: AND THEN WHAT IS -- THIS IS SOMETHING THAT I KNOW YOU'VE LOOKED AT ALL OVER THE COUNTRY. COULD YOU GIVE US SOME BACKGROUND OF YOUR KNOWLEDGE OF WHAT OTHER CITIES HAVE BURIED LINES AND THE RATIONALES BEHIND THOSE?

THE MOST DIRECT EXPERIENCE THAT I HAVE IS WITH CORPUS CHRISTI WITH SOUTHWESTERN BELL AT THAT TIME. I MOVED INTO CORPUS RIGHT AFTER HURRICANE ALAN WHICH DEVASTATED PARTS OF THE COAST THERE ALL THE WAY FROM COULDSVILLE DOWN TO THE VALLEY. SOUTHWESTERN BELL AT THAT TIME DECIDED TO GO AHEAD AND INVEST AND BURY ALL THESE LINES, WHICH THEY DID. RECENTLY WE HAVE LOOKED AT THE ENTIRE COUNTRY AND THERE HAVE BEEN CITIES THAT HAVE DECIDED TO GO AHEAD AND BEGIN PROGRAMS TO BEGIN BURYING LINES. THERE'S AN ATTENDANT COST THAT'S RELATED SO THEY HAVE COME UP WITH FUNDING SCHEMES TO FUND THAT. BUT CITIES LIKE COLORADO SPRINGS, FOR EXAMPLE, THEY'VE DECIDED THAT BECAUSE OF THE REPEATING PROBLEMS THAT THEY HAVE EVERY WINTER THAT IT WAS WISER FOR THEM, MORE PRUDENT TO GO AHEAD AND INVEST IN BURYING LINES SO THEY ARE IN THE PROCESS OF DOING THAT. SAN JOSE, CALIFORNIA HAS A PROGRAM WHERE THEY ARE GOING AHEAD AND BURYING THEIR LINES. THERE ARE PROBLEMS ASSOCIATED WITH BURYING. WHEN YOU TRENCH, YOU ARE GOING TO DO DAMAGE TO

THE ROOTS. SO YOU'VE GOT TO BE CAREFUL WITH THAT. WHEN YOU TUNNEL OR BORE UNDERNEATH, YOU DON'T SEE WHAT'S DOWN THERE SO YOU ARE GOING TO RUN INTO OTHER THINGS THAT YOU MAY NOT HAVE ANTICIPATED. SO PROBLEMS ARISE. IT'S AN EXPENSIVE, VERY EXPENSIVE PROCESS. ANY APPROACH WE TAKE WILL HAVE AN ATTENDANT COST.

McCracken: THE -- WHAT IS AUSTIN ENERGY'S EXISTING PROGRAM FOR EITHER RAISING LINES ABOVE TREE CANOPY OR BURYING LINES? WE DON'T REALLY HAVE A PRACTICAL, BUT WE DO RAISE LINES FOR LOCATION OF NECESSITY. IF A PROPERTY OWNER WANTS TO US RAISE LINES, WE WILL SPLIT THE COST WITH THEM. IN OTHER WORDS, WE PROVIDE A CERTAIN AMOUNT OF COST AND ABOVE WHAT A NORMAL LINE WOULD COST WE WOULD WORK WITH THEM BUT THAT'S ASSUMING THE LINE NEEDS TO BE REPLACED.

McCracken: SO IN OTHER WORDS WE DO NOT HAVE A PROGRAM IN PLACES AT THIS TIME TO BE BURYING OR ANY LINES, RAISING THEM, THERE'S NOT A SET, ESTABLISHED PROGRAM LIKE OTHER CITIES HAVE?

WE DO NOT. WHAT WE DID DO MANY YEARS AGO AND [INAUDIBLE] IS WE IMPLEMENTED POLICIES THAT ENCOURAGED NEW DEVELOPMENT, DEVELOPERS IN NEW DEVELOPMENTS TO BURY THEIR LINES. SO WE CHAIR IN THE COST. THE CIVIL WORK VERSUS THE DUCTWORK. IT'S BEEN VERY SUCCESSFUL. MOST OF THE NEW DEVELOPMENTS IF NOT ALL HAVE BEEN BUILT WITH BURIED LINES. SO THAT NOW OVER 60% OF THE CITY'S DISTRIBUTION SYSTEM IS UNDERGROUND. THE DOWNTOWN IS ANOTHER EXAMPLE OF THE EFFECT OF A GOOD POLICY. MANY YEARS AGO THE CITY COUNCIL PASSED A REQUIREMENT ALL DEVELOPMENT DOWNTOWN BE BUILT WITH UNDERGROUND ACCESSIBLE CONNECTIONS. SO THAT AS DOWNTOWN WAS REDEVELOPED, THAT'S EXACTLY WHAT HAPPENED. AND NOT ALL OF DOWNTOWN IS UNDERGROUND, BUT MOST OF IT IS. SO THOSE KINDS OF POLICIES HAVE BEEN PUT INTO PLACE AND HAVE WORKED OVER THE YEARS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] PLANT,.

THAT THERE ARE COSTS ASSOCIATED WITH THE ABOVE

GROUND SYSTEM THAT WE ARE INCURRING AT THE COST OF POLES AND SO THERE -- THERE ARE A RANGE OF COSTS, MOST OF WHICH WE WOULD NOT HAVE WITH THE UNDERGROUND SYSTEM. SO THE QUESTION IS IF WE WERE ABLE TO FINANCE OVER SAY A 10 YEAR OR 30 YEAR PERIOD, LIKE A BOND OR SOMETHING LIKE THAT, A PROGRAM OF BURYING LINES, THE QUESTION IS HOW CLOSE DOES THAT GET YOU, WHAT'S THE DELTA AT THAT POINT BETWEEN THE ANNUAL EXPENDITURES WE ARE SPENDING ON -- ON TREE TRIMMING, OUTAGE DAMAGE, OUTAGE LOSSES AND OVERTIME PAYMENTS DUE TO -- WIND STORMS, ICE STORMS, THOSE THINGS, ECONOMIC LOSS VALUE OF THE TREES. THERE ARE A WHOLE RANGE OF COSTS THAT WE INCUR OVER A COURSE OF A FOUR YEAR CYCLE, IN ADDITION TO THE \$7.5 MILLION. IF WE WERE ABLE TO FINANCE THE COSTS OF THE POWER LINES, WHAT WOULD BE THE ANNUAL COSTS UNDER THAT FINANCING? I DON'T HAVE ANY IDEA. IT MAY STILL BE -- I KNOW IT'S QUITE A BIT MORE EXPENSIVE UP FRONT TO BURY LINES COMPARED TO STRINGING THEM UP, BUT THERE WERE ALSO COSTS ASSOCIATED ON AN ANNUAL BASIS, MAINTAINING AN ABOVE GROUND SYSTEM. THOSE ARE SOME OF THE THINGS THAT I WOULD LIKE INFORMATION ON, I BELIEVE THE TASK FORCE IS SUPPOSED TO LOOK AT THAT.

ANOTHER THING THAT I CAN TELL YOU, YOU CAN FINANCE ANYTHING FOR WHICH YOU CAN SHOW AN ANNUAL CASH FLOW, A REVENUE THAT CAN SUPPORT THE FINANCING AND JUST ROUGHLY -- ROUGHLY A MILLION OVER 20 YEARS GIVES YOU A ABOUT \$25 MILLION NOW. SO IT'S -- ONE TO TWO. AND -- ONE TO 10, WITH OUR CURRENT RATES, MUCH LOWER, MAYBE A LITTLE BIT MORE. IT'S GOING TO BE IN THAT AREA.

LIKE WE HAVE DISCUSSED, I -- MY EXPECTATION IS THE RESULT WOULD BE THAT THERE WILL BE -- IF WE TRULY FACTOR IN ALL OF THE COSTS THAT COME FROM OUR CURRENT POLICY, CHOOSING THE MODEL OR CUTTING DOWN TREES AND GOING REALLY -- IT APPEARS OUR ONLY OFFICIAL PROGRAM IS TO PUT LINES ABOVE GROUND, CUT DOWN TREES, IT'S A POLICY CHOICE, YOU KNOW,, BUT I EXPECT IF WE FULLY FACTOR IN THE COSTS, WE WILL SEE SOME AREAS THAT MAY BE THE BEST WAY TO GO AND

PROBABLY MORE AREAS THAN WE DO RIGHT NOW, IT WILL MAKE SENSE TO EITHER PUT LINES UP HIGHER SO WE CAN HAVE SHADE TREES OR PUT THEM BELOW GROUND. I HAVE SOME COMMENTS, BUT I KNOW OTHER PEOPLE HAVE QUESTIONS.

Mayor Wynn: THANK YOU, COUNCILMEMBER KIM?

MR. GARZA, I WAS WONDERING IF YOUR ASSESSMENT FOR THE TASK FORCE THAT AS YOU PROVIDE INFORMATION, YOU CAN ALSO GIVE US THE COST OF MAINTENANCE OF THE LINES. I KNOW THAT WE BURY OUR LINES DOWNTOWN ALREADY, WHAT ARE THE PROBLEMS WITH THAT, ALTHOUGH IT MAKES DOWNTOWN LOOK NICER, IS THAT -- DO WE HAVE TO HAVE A LOT OF STREET CUTS AND THAT'S VERY DISRUPTIVE AS WELL. THAT'S ANOTHER COST THAT WE HAVE TO CONSIDER. I DON'T KNOW IF THEY WOULD BE UNDER THE SIDEWALKS OR UNDER THE RIGHT-OF-WAY IN THE FRONT YARD OF PEOPLE'S HOMES. SOMETHING THAT WE NEED TO -- TO CALCULATE AS WELL.

IT'S VERY COMPLEX. ONE OF THE PROBLEMS THAT WE WILL FACE, FOR EXAMPLE, IS JUST THE LACK OF AVAILABLE SPACE. TO BURY ADDITIONAL UTILITIES. IT CROWDED DOWN THERE, WE WILL HAVE TO FIGURE OUT SOME -- REQUIRE ADDITIONAL CONDEMNATION OF RIGHT-OF-WAY. WE HAVE TO LOOK AT WHAT'S THE -- WHAT'S THE COMPARABLE DAMAGE THAT YOU ARE DOING? BECAUSE WHEN YOU GET INTO THE TREE ROOTS, YOU DO DAMAGE TO THE TREES. BE CAREFUL TO AVOID THAT.

THERE'S ALSO GETTING AROUND TREE ROOTS AND PUTTING THEM UNDER LINES AS WELL.

IT'S A DIFFICULT PROCESS, BUT IT CAN BE DONE.

OKAY. THEN I GUESS THERE'S A DIFFERENCE BETWEEN REDEVELOPMENT AND THE NEW DEVELOPMENT I WOULD ASSUME, IT WOULD BE EASIER TO DO IT FOR NEW DEVELOPMENT WHERE IF WE HAD THIS POLICY, IF WE WERE ABLE TO AFFORD IT, THEN YOU COULD THAT DO THAT FOR THE NEW DEVELOPMENT, JUST REQUIRE THAT ON THE ONSET FOR SUBDIVISIONS OR NEW DEVELOPMENT IN THE

CITY, I HOPE WE CAN GET THAT KIND OF BREAK DOWN AS WELL. I ALSO WONDERED IF WE HAVE LOOKED INTO -- I KNOW THAT YOU HAVE A LIST OF RECOMMENDED TREES THAT -- THAT I GUESS MAKE IT LESS LIKELY THAT THEY WILL HAVE TO BE TREES COMPLETELY CUT BECAUSE OF THE SPECIES ON WHERE THEY GROW, THE WAY THAT THEY ARE SHAPED AS THEY BECOME MORE MATURE. IS THERE A WAY THAT -- I DON'T KNOW IF YOU KNOW OF SOMEONE WHO IS AN ARBORIST WITH AUSTIN ENERGY, THAT WE CAN TEACH HOMEOWNERS TO HAVE CERTAIN TREES THAT CAN BE SHAPED AWAY FROM THE POWER LINES AS THEY GROW UP? I'M -- I DON'T THINK THIS WOULD WORK WITH OAK OR PECAN TREES, BUT THERE ARE CERTAIN SPECIES OF TREES THAT WE SEE IN OTHER CLIMATES, I DON'T KNOW -- I DON'T WANT TO BRING ANOTHER KIND OF CEDAR OR ANYTHING LIKE THAT. BUT SOMETHING THAT WOULD PROVIDE THE SHADE, PROVIDE THE NICE NATURAL BUFFER FROM THE STREET TO A HOME WITH THE RIGHT TYPE OF TRIMMING AS THE TREES MATURE?

IT'S -- IT'S ALMOST LIKE SHAPING A TREE.

LIKE WE DO WITH HEDGES EXCEPT WE WOULD DO THAT WITH TREES.

IT'S DOABLE. BUT IT TAKES CONSTANT ATTENTION FOR SOMEONE. IT'S NOT SOMETHING FOR US THAT WOULD BE PRACTICAL.

SO IT WOULD BE UP TO THE HOMEOWNER TO MAINTAIN THAT.

RIGHT. JUST SOMETHING THAT WOULD BE ESSENTIALLY OUT THERE, YOU KNOW, FAITHFULLY EVERY MONTH TO MAKE SURE THAT YOU ARE PRUNING CORRECTLY.

Kim: RIGHT. IT IS MORE MAINTENANCE AND COST TO THE HOMEOWNER. THAT IS THERE THEY MAY CONSIDER, THOUGH, IF THEY WANT TO BUY INTO THAT OPTION, ABSORB THAT COST BECAUSE THEY SEE IT DOES ADD VALUE TO THE PROPERTY TO HAVE THE ROW OF TREES IN THE FRONT OR HAVE A TREE OR TWO IN THE FRONT.

I -- WE NEED TO CONSIDER ALL IDEAS. RECENTLY I READ A BOOK ABOUT JOE CATKIN THAT TALKED ABOUT THE THREE BASIC INGREDIENTS FOR GREAT CITIES. I THINK AUSTIN HAS ALL, FIRST THEY ARE SAFE, SECONDLY THEY ARE BUSY, THIRDLY THEY ARE STRIKINGLY BEAUTIFUL OR SACRED ALMOST. AND I THINK AUSTIN SATISFIES THAT AND WE CERTAINLY WANT TO HELP PRESERVE THAT.

WELL, THANK YOU FOR THE -- I GUESS THE CHANGES THAT YOU HAVE ALREADY IMPLEMENTED AND THE WAY THAT YOU ARE GOING TO BE TAGGING THE TREES DIFFERENTLY, THEN PEOPLE -- NOTIFYING PEOPLE BEFORE YOU TAG THEM, ALSO INVOLVING THE -- THE NEIGHBORHOOD ASSOCIATION. SO I APPRECIATE YOUR BEING PROACTIVE ON THAT. THANK YOU.

COUNCILMEMBER LEFFINGWELL? LEFFINGWELL

Leffingwell: VERY QUICK QUESTION, YOUR ANNUAL BUDGET FIGURES FOR TREE TRIMMING, I ASSUME THAT THEY ARE GOING TO STAY WHAT THEY ARE FOR A WHILE UNTIL YOU MAKE YOUR WAY FROM ONE FULL CIRCUIT AND THEN IT SEEMS INTUITIVELY TO ME AT LEAST THAT IT WOULD BE MUCH LESS.

I'M HOPING THAT THERE WILL BE SOME ECONOMIES THERE. AS -- AS I INDICATED, WE HAVE NOT QUITE REACHED THE 580 MILES A YEAR. WE ARE DOING ABOUT 400. I'M ACTUALLY HOPING AS WE FINISH, THE PACE WILL PICK UP WITH THE SAME BUDGET. ESSENTIALLY THE SAME THING. I DON'T KNOW IF I WILL BE ABLE TO REDUCE IT IN ITS ENTIRETY, BUT THERE OUGHT TO BE SOME EFFECT LIKE THAT THAT WE CAN TAKE ADVANTAGE OF.

SEEMS LIKE FOR EXAMPLE YOU WOULD NEVER HAVE TO REMOVE A TREE.

THAT'S TRUE.

THE -- ONE OF THE [LAUGHTER] UNFORTUNATE -- I SHOULDN'T SAY FORTUNATE BUT PERHAPS PARTS OF NATURE IS THAT TREES HAVE A WAY OF PROPAGATING THEMSELVES. BIRDS LIKE TO USE OUR LINES TO PERCH AND THEN THEY LEAVE THEIR DROPPING WITH THE SEEDS, THEY

GROW TREES AGAIN. SO IT WORKS.

Leffingwell: YEAH BUT -- OKAY.

Mayor Wynn: NO COMMENT, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I THINK WE ALL HAVE A COPY OF THE RESOLUTION AND I WOULD LIKE TO -- TO MOVE APPROVAL OF THIS RESOLUTION THAT -- THAT ESTABLISHES A TASK FORCE, AMONG OTHER THINGS. IT'S NUMBER 200-6020 THE-019 AND UNLESS IT'S REQUIRED OTHERWISE I WILL SKIP THE WHEREAS AND JUST SUMMARIZE THE RESOLUTION. ONE IS DIRECTING THE CITY MANAGER TO ASSEMBLE A TASK FORCE. INCLUDING BUT NOT LIMITED TO CITY OF AUSTIN AFFECTED GROUPS. THE URBAN FORESTRY BOARD, THE NEIGHBORHOOD GROUPS AND ASSOCIATIONS. THE GOAL WOULD BE TO REVIEW, DEVELOP, RECOMMEND THE COUNCIL POLICIES AND PROCEDURES FOR TREE TRIMMING AND REMOVAL. AND -- AND PART 2 IS THAT THE CITY MANAGER BE DIRECTED TO ANALYZE THE URBAN FOREST INVENTORY PLAN AS RECOMMENDED BY THAT BOARD. AND REPORT FOR THE LAND USE AND TRANSPORTATION SUBCOMMITTEE ON THE COSTS AND BENEFITS OF IMPLEMENTATION WITHIN 60 DAYS. AND FINALLY, CITY MANAGER IS DIRECTED TO DEVELOP A ROAD FOR A NATIONAL COMPETITION TO DEVELOP INNOVATIVE COST EFFECTIVE WAY TO BUREAU LINES AND PROMOTE PLANNING, ET CETERA. SO -- SO THAT'S MY MOTION.

SECOND.

MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THIS ITEM, 19 AS -- AS POSTED AND EXPLAINED. FURTHER COMMENTS? COUNCILMEMBER MCCracken?

YEAH, I -- WHEN DELL SPOKE OF THE TREES HIS FAMILY PLANTED IT STRUCK A CORD WITH ME. WHEN MY LITTLE BOY WAS BORN TWO YEARS AGO, I PLANTED A TREE IN HONOR OF HIS BIRTH AND I -- I WAS PRETTY UPSET TO THINK THAT, YOU KNOW, 50 YEARS LATER THAT AN ENGINEERING

DECISION MIGHT BE MADE TO PUT A LINE WHERE I HAD PLANTED THAT TREE FOR MY SON'S BIRTH AND THEN 20 YEARS LATER A TREE TRIMMING COUNTY WOULD GET A BOUNTY FOR CUTTING IT DOWN WHEN THE TREE PRECEDED THE LINE. THAT MAYBE WHAT WOULD END UP WITH REPLACEMENT THERE WAS A CREPE MYRTLE THAT PROVIDES NO SHADE. THEY CALL THEM ORNAMENTAL TREES BECAUSE THEY HAVE NO FUNCTION, NO SHADE, NO HAMMOCK, YOU LOSE A BIG PART OF YOUR FAMILY'S HISTORY. THAT CUTS DOWN ON AN ENGINEERING DECISION WHEN WE REALLY COULD DO BETTER. NINE TO 10 SUBDIVISIONS BURY LINES. IN FACT THIS IS A LEARNING PROCESS FOR US AND SO WE HAVE A CHANCE TO LEARN A - - DIFFERENT WAYS TO DO IT. ONE OF THE THINGS THAT WE LEARN TO SAN ANTONIO OWE MOW IN SAN ANTONIO THEY HAVE A COMPREHENSIVE PURPOSES TO BURY LINES FOR THE PURPOSE OF PROTECTING TREES. WE ALSO LEARNED FROM TODAY'S NEWSPAPER THAT WACO AND TULSA, OKLAHOMA, BOTH ADOPTED AGGRESSIVE PROGRAMS ALSO TO PROTECT TREES IN THEIR URBAN FOREST WHICH WE ARE NOT DOING IN AUSTIN YET. I'M REAL, REAL PROUD OF AUSTIN ENERGY, WE ARE THE NATION'S LEADER IN RENEWABLE ENERGY. WE ARE CLEARLY NOT THE NATION'S LEADER IN PROTECTING TREES AND IT DOES NOT CONSISTENT WITH THEIR VALUES AS A COMMUNITY, WITH URBAN PLANNING PROCESS, THESE DON'T HAVE ANY SHADE, REAL HOT IN THE SUMMER. WE SHOULD BE AT LEAST AS GOOD AS WACO, TULSA AND SAN ANTONIO AND I THINK WE CAN BE BETTER. WE HAVE HEARD ABOUT MUELLER, WHERE THEY CLEAR CUT A WHOLE LINE OF MATURE TREES BEHIND NEIGHBORHOOD HOMES. CATELLUS FOLKS TOLD THE NEIGHBORS THEY HAD NOTHING TO DO WITH IT. WE HAVE GOT THREE DIFFERENT APPROACHES IN THIS, THAT STARTED OFF WITH GETTING A TASK FORCE, GETTING OUR BEST AND BRIGHTEST CITIZENS TO WORK TOGETHER WITH OUR EXPERTS WITHIN THE UTILITIES. AND WE HAVE GOT -- WE ARE GOING TO DO THAT URBAN TREE INVENTORY. WE ARE GOING TO GO -- TO GO SOLICIT THE BEST FROM AROUND THE COUNTRY, AT THE NATIONAL COMPETITION SO THAT WE CAN MOVE FROM THE BOTTOM FROM THE UTILITIES IN PROTECTING TREES IN THE COMMUNITY AND MOVE TO THE VERY FOR TOP BECAUSE I DO BELIEVE WE

SHOULD BE THE NATION'S LEADER. IT'S WHERE OUR UTILITY IS ON VIRTUALLY EVERY OTHER ISSUE THEY DO. I AM CONFIDENT AT THE END OF ALL OF THIS WE WILL BE THE NATION' LEADER, TOO. LIVE ELECTRICITY, ALSO MAKING SURE THAT WE GET TO HAVE SHADE TREES IN OUR COMMUNITY AND PROTECT THE PLACES THAT WE LOVE. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NO. 19. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. THANK YOU ALL VERY MUCH. COUNCIL THAT TAKE US TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WE WILL WELCOME MR. GREG GUERNSEY.

Guernsey: THANK YOU MAYOR AND COUNCIL, I WILL BE GOING THROUGH THE 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. CONSENT ARE ITEM NO. 31, C14-05BOULDIN MEADOWS, STAFF IS REQUESTING A -- REQUESTING A PROMOTE REQUEST TO MARCH [INDISCERNIBLE], THE APPLICATION IS WORKING ON FIELD NOTES IN RESPONSE TO QUESTIONS BY COUNCIL LAST WEEK. THIS IS A CONSENT POSTPONEMENT BY STAFF TO THE 9th. ITEM NO. 12, C14-050172, COLINA VISTA, 9716 F.M. 2222, ZONING REQUEST FROM L.O. LIMITED OFFICE AND GR COMMUNITY COMMISSION TO SF 6 CO WHICH STANDS FOR TOWNHOUSE CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT REZONING. THE APPLICANT REQUESTED A POSTPONEMENT TO APRIL 6th. STILL WORKING OUT TRANSPORTATION ISSUES WITH AN ADJOINING PROPERTY OWNER. ITEM NO. 33 C14-05068, KB SHELTON 230, THE PROPERTY IS LOCATED AT THAXTON ROAD, INTERIM RURAL RESIDENCE TO GR CO, COMMUNITY COMMISSION COMBINING DISTRICT ZONING, READY FOR CONCEPT APPROVAL ON SECOND AND THIRD READINGS. ITEM NO. 34, C14-050137, 1109 SOUTH LAMAR. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL

SERVICES OR CS DISTRICT ZONING TO COMMERCIAL LIQUOR SALES, CONDITIONAL OVERLAY, COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED TO DENY THE REQUEST. AT -- WHEN THIS CAME UP BEFORE THE COUNCIL, THE FIRST TIME FOR PUBLIC HEARING, THERE WAS A LOT OF DISCUSSION ABOUT THIS CASE AND THE COUNCIL ASKED THAT THE APPLICANT AND THE PROPERTY OWNER GO BACK AND TRY TO WORK THROUGH AN EQUITABLE AGREEMENT. AS I UNDERSTAND THE AGREEMENT HAS BEEN REACHED BUT HAS NOT BEEN FINALIZED AND SIGNATURES IN THE PROPER FORMAT FOR RECORDATION ON THIS DAY. THIS IS ONLY READY FOR FIRST READING AND STAFF COULD OFFER THIS FOR FIRST READING IF YOU WOULD ACCEPT THE STAFF RECOMMENDATION ON FIRST READING. WHICH WOULD LIMIT THE SITE TO 2,000 TRIPS, PROHIBIT LIQUOR SALES AS A -- AS A CONDITIONAL OVERLAY. THEN WE WOULD BRING THIS CASE BACK TO YOU FOR SECOND AND THIRD READING AT A LATER DATE AND THEN BY THAT TIME WE UNDERSTAND THE PRIVATE AGREEMENT WILL PROBABLY BE EXECUTED AND RECORDED.

Mayor Wynn: THANK YOU. SO BEFORE WE GO TO THE CONSENT AGENDA, COUNCIL, QUESTIONS ON ITEM 34? THIS CASE -- COUNCILMEMBER KIM?

MR. GUERNSEY I HAVE A QUESTION ABOUT ITEM NO. 34, A CONDITIONAL OVERLAY --

IT WOULD PERMIT A PACKAGE LIQUOR STORE WHY YOU BUY LIQUOR FOR OFF PREMISES SCUMTION, BUT IT WOULD STILL BE THE INTENDED USE OF COCKTAIL LOUNGE.

I UNDERSTAND THAT MR. TOLFER OWNS A RECORDING STUDIO ABOUT 60 FEET FROM THE PROPOSED SITE WHERE THERE WOULD BE LIVE MUSIC. EVEN THOUGH THE RESTRICTIVE COVENANT IN DRAFT FORM WOULD PROHIBIT LIVE MUSIC OUTDOORS, IT WOULD STILL BE AUDIBLE AND WOULD INTERRUPT HIS BUSINESS AND HAS HE MET WITH THE STAFF AS WELL?

Guernsey: I'M NOT AWARE OF HIM MEETING WITH STAFF. I CAN SPEAK WITH THE NEIGHBORHOOD REPRESENTATIVE,

MR. JEFF SHACK IS HERE, ALSO REPRESENTATIVE FOR THE OWNER IS HERE. AND THEY MIGHT BE ABLE TO ADDRESS THAT GENTLEMAN'S CONCERN. YOU ARE CORRECT IN THE PRIVATE AGREEMENT THERE IS AGREEMENT TO LIMIT LIVE ENTERTAINMENT TO BE INDOORS AND DO EVERYTHING POSSIBLE TO LIMIT THE AMOUNT OF NOISE THAT WOULD LEAVE THE BUILDING. AND THESE CONDITIONS WOULD GO WITH THE COCKTAIL LOUNGE USE. THAT'S PROPOSED. PERHAPS --

HAS HE TALKED -- IF WE HAVE A NEIGHBORHOOD REPRESENTATIVE, HAVE THEY TALKED WITH MR. TOLFER ABOUT HIS CONCERNS?

WELCOME BACK, MR. JACK.

JEFF JACK, YES WE HAVE HAD A CONVERSATION WITH HIM. WE ARE VERY AWARE OF HIS CONCERNS. WE THINK THAT THEY ARE VALID CONCERNS. HOWEVER, THE NEIGHBORHOOD ASSOCIATION'S ISSUES WERE A DIFFERENT SET OF ISSUES THAN THAT PARTICULAR ONE AND WE HAVE BEEN WORKING WITH THE APPLICANT ON ADDRESSING THE ISSUES OF LIGHT, OUTDOOR MUSIC, NOISE POLLUTION AND PARKING, WHICH WERE THE NEIGHBORHOOD'S MAJOR CONCERNS, WE HAVE SUGGESTED TO MR. TOLFER THAT HE WORK WITH THE APPLICANT AND TRY TO ADDRESS THE ISSUE OF STRUCTURALLY BORN NOISE THAT MAY BE AN INCONVENIENCE TO OR DIFFICULTY WITH HIS BUSINESS. AND I THINK THE APPLICANT CAN SPEAK TO THAT.

Kim: I WOULD LIKE TO HEAR FROM THE APPLICANT HERE.

[INDISCERNIBLE] I'M THE AGENT ON THE CASE. MR. --

CAN YOU SPEAK INTO THE MICROPHONE PLEASE. >

HE HAS APPROACHED THE PRINCIPALS ON THE MATTER TO BE PERFECTLY BLUNT HIS SUPPORT AND GOOD FAITH ON THE MATTER HAVE BEEN -- HAVE BEEN RAISED AS QUESTIONS. WE HAVE BEEN VERY DILIGENT IN STAYING ON TOP OF THE ISSUES THAT HE SAID WOULD BE A MAJOR CONCERN FOR HIM, INCLUDING THE NOISE RELEASE FROM THE PROPERTY. I BELIEVE HE IS IN -- AN UNINTENDED

RECIPIENT OF THE RESTRICTIVE COVENANT THAT WILL BE FILED ON THE PROPERTY. MORE PARTICULARLY, THE RESTRICTION TO NO MUSIC OUTDOORS AS WELL AS A PLACEMENT OF -- OF A REITERATION BASICALLY OF THE SOUND NOISE ORDINANCE THAT WOULD PREVENT THE RELEASE OF NOISE OVER CERTAIN DECIBELS WILL PROVIDE MORE THAN ENOUGH SECURITY FOR MR. TOLFER IN HIS RECORDING STUDIO. S RECORDING STUDIO, ASSUMING THAT HE OPERATES UNDER NORMAL BUSINESS HOURS, WOULD NOT CONFLICT WITH THE COCKTAIL LOUNGE THAT HAS BEEN PROPOSED FOR THE SITE. THE TRADITIONALLY THE HOURS OF OPERATION THAT ARE THE BUSIEST AT A COCKTAIL LOUNGE ARE NOT BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. NORMALLY YOU BECOME MORE POPULAR AT HAPPY HOUR AND ON. WITH DIFFERENT HOURS AS WELL AS THE STRINGENT -- EXCUSE ME, REQUIREMENTS PLACED UPON THE PROPERTY, WE FEEL LIKE WE HAVE ACCOMMODATED HIS CONCERNS VERY WELL AND WE HAVE -- I TOLD HIM THAT -- THAT THE DOOR IS ALWAYS OPEN FOR FUTURE COMMUNICATIONS IF THERE'S A PROBLEM, WE WILL CERTAINLY ADD IT. I KNOW THAT OUR DIALOGUE WITH MR. JACK HAS BEEN VERY SUCCESSFUL, WE HAVE MET WITH THEM FIVE OR SIX TIMES IN PERSON AS WELL AS THE NUMBER OF DIFFERENT COMMUNICATIONS, TELEPHONE AND E-MAIL, I CANNOT SAY THE SAME FOR MR. TOLFER.

HE MET WITH MY STAFF AND I DON'T KNOW MAYBE OTHER COUNCILMEMBERS HAD THEIR STAFF PRESENT AS WELL. AND I'M CONCERNED ABOUT DRIVING OUT HIS BUSINESS. HE DOES HAVE RECORDING FROM 10:00 A.M. TO 2:00 A.M. HIS CLIENTS INCLUDE WILLIE NELSON TO SAM FROM THE SAM AND BOB SHOW AND I DON'T THINK THAT'S WHAT WE WANT TO SEE IS SOMEONE LOSING THEIR BUSINESS AS HE'S HAD THIS RECORDING STUDIO THERE FOR MANY, MANY YEARS. SO I WOULD ENCOURAGE YOU TO -- TO WORK WITH HIM IN EITHER THE HOURS OF LIVE MUSIC AND WHEN HE WOULD BE OPERATING SO IF THERE'S CLEAR AGREEMENT ON THAT, AS WELL AS LOOKING INTO THE DECIBEL ORDINANCES AND SOMETHING THAT WE HAVE DONE WITH AN AIRPORT OVERLAY, WE HAVE BEEN ABLE TO DO THIS IN THE PAST TO SAY THAT THE NOISE CAN'T EXCEED A CERTAIN LEVEL OUTSIDE OF -- OF THE PREMISES OR THE PROPERTY.

GIVE YOU AN EXAMPLE OF -- OF THIS SOUND. THAT'S CURRENTLY ON THE PROPERTY. WE PURCHASED A SOUND METER TO -- TO SEE WHAT THE SOUND LEVELS CURRENTLY WERE ON THE PROPERTY AND THE PROPERTY LEVELS AS THEY STAND NOW WE WERE SURPRISED TO SEE THAT THEY WERE AT 73 DECIBELS JUST FROM THE TRAFFIC ALONE ON LAMAR. THE RESTRICTIVE COVENANT STATES THAT WE WOULD NOT EXCEED THE AMBIENT BACKGROUND NOISE. IF IT EXCEEDED THE NOISE ORDINANCE OF AUSTIN. THAT SHOULD IN ADDITION TO AS YOU SUGGESTED KEEP THE LEVEL OF DIALOGUE POSITIVE WITH MR. TOLFER, I THINK HE'S VERY SECURE AS TO NOT DISTURB HIS RECORDING STUDIO. WE ARE VERY SENSITIVE OF THAT.

I WILL VISIT WITH HIM AGAIN, I WILL APPROVE THIS ON FIRST READING ONLY. THANKS.

THANK YOU VERY MUCH.

COUNCIL, 31 31 POSTPONED TO MARCH 9th, 2005, 32 TO APRIL 6th, 2006 TO APPROVE ON SECOND AND THIRD READING. ITEMS 33, AND TO APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF ITEM NO. 34 WITH -- WITH SOME NOTED CONCERNS ABOUT THE PROJECT. I'LL ENTERTAIN A MOTION.

I MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MR. GUERNSEY.

LET ME GO ON THEN TO THE PUBLIC HEARING ITEMS, ITEMS Z-1 AND 2 ON YOUR AGENDA UNDER ZONING AND NEIGHBORHOOD PLAN AMENDMENT HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. Z-1 IS TO CONDUCT A HEARING AND APPROVE AN

ORDINANCE TO AMEND 25-2-757 UNDER SET BACKS, SECTION 25-2-710 STREET SCAPE IMPROVEMENTS, AND 25-2 APPENDIX C OF THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES AND THE SUBDISTRICT BOUNDARIES AND HEIGHT LIMITS. MARK WALTERS WILL BRIEF YOU ON THAT. WHAT WE WILL TRY TO DO IS MAKE A BRIEF PRESENTATION, ACTUALLY OFFER THIS AS A CONSENT ITEM. IT'S MY UNDERSTANDING NO SPEAKERS SIGNED UP THAT WISH TO SPEAK ON THIS ITEM AT THIS TIME MARK AUSTIN CORRECT.

Z-2 IS C14-05215, MAVERICK MILLER HOUSE, ALSO A CITY INITIATED CASE WHICH IS RELATED TO THE FIRST ITEM AS FAR AS THE AMENDMENTING, LOCATED AT 910 POPULAR STREET, REZONING FROM MF 4 H-NP, COMBINING DISTRICT ZONING TO LIMITED OFFICE MIX -- TO L.O.-MU-H-CO-NP LIMITED OFFICE MIXED USE ... THE HISTORIC LANDMARK AND THE PLANNING COMMISSION BOTH RECOMMENDED THE ZONING REQUEST. AS WELL AS STAFF. AND IT'S READY FOR YOU ON APPROVAL ON ALL 3 READING. WE -- YOU MAY HAVE RECEIVED SOME E-MAILS FROM THE NEIGHBORHOOD. THERE WAS SOME NEGOTIATION I'M ADDING POSSIBLY ONE MORE USE THAT USE IS NOT BEING REQUESTED TO BE CHANGED AND SO IT'S OFFERED TO YOU FOR CONSENT APPROVAL ON ALL THREE READING TODAY AS IT WAS INITIATED.

Mayor Wynn: TECHNICALLY, MR. GOVERNOR BUSH SEE, WE HAVE A HANDFUL OF FOLKS WHO SIGNED UP, MOST NOT WISHING TO SPEAK. TWO PEOPLE IN OPPOSITION, ONE OF THOSE DOES WANT TO ADDRESS US. THIS IS A COMBINED CASE Z-1 AND Z-2. SO WHY DON'T WE HAVE OUR BRIEF STAFF PRESENTATION AND WE WILL GO THROUGH THE CITIZEN COMMENTS AND THEN TAKE ACTION.

Guernsey: VERY GOOD.

GOOD AFTERNOON, MAYOR AND COUNCIL, MY NAME IS MARK WALTERS WITH THE CITY OF AUSTIN NEIGHBORHOOD ZONING DEPARTMENT. I WILL BE BRIEFING YOU BRIEFLY ON Z-1 AMENDMENTS TO THE UNIVERSITY NEIGHBORHOOD OVERLAY. THESE ARE RELATED TO A COUNCIL RESOLUTION PASSED IN OCTOBER OF LAST YEAR. AS A WAY TO

TRANSFER DEVELOPMENT RIGHTS FROM ONE AREA TO ANOTHER, FROM THE MAVERICK MILLER HOUSE TO THE PROPERTY ACROSS THE STREET. ON THE MAP THAT I ATTACHED TO -- THAT I GAVE YOU, YOU WILL SEE THAT 900 TO 908 WEST 26th STREET, THE FIRST AMENDMENT IS TO INCREASE THE HEIGHT THERE FROM THE EXISTING 90 UNDER THE OVERLAY TO 120. SO WITH Z-2 THE ZONING CASE WE WOULD TAKE THE HEIGHT THAT COULD HAVE BEEN BUILT AND JUST MOVE IT ACROSS THE STREET SO WE DON'T HAVE A MECHANISM FOR TRANSFER OF DEVELOPMENT RIGHTS IN THE LAND DEVELOPMENT CODE, WE USE THE CURRENT REGULATORY FRAMEWORK TO ACCOMPLISH THE SAME END. WE TOOK THE HEIGHT IN ONE AREA AND PUT IT IN THE OTHER. TO INCREASE THE HEIGHT ON 900 TO 908 WEST 26th STREET. THE FOLLOWING THREE AMENDMENTS CAME UP AND WERE BROUGHT FORWARD BY THE PLANNING COMMISSION AS THE DISCUSSIONS ON THE FIRST AMENDMENT WERE GOING ON. THE SECOND ONE WOULD BE TO AMEND THE HEIGHT MAP IN THE UNO ORDINANCE TO ALLOW AN INCREASE OF HEIGHT FROM 175 TO 220 AT 2100 RIO GRANDE STREET AT THE VERY BOTTOM OF THE PAGE. THE MAP THERE. THE THIRD AND FOURTH AMENDMENTS HAVE TO DO WITH STREET RIGHT-OF-WAY ON 21st STREET. 21st STREET AS YOU GO FROM THE EAST TO THE WEST BECOMES NARROWER. AS THE AMENDMENT WAS APPROVED, SOMEBODY WEST -- EAST OF PEARL STREET WOULD NOT HAVE TO BUILD THE WIDE SIDEWALKS AS INCLUDED FOR THE MAJORITY OF THE REST OF THE AREA, EVEN THOUGH THERE'S ADEQUATE RIGHT-OF-WAY TO DO SO. THIS AMENDMENT RECOGNIZES FROM GUADALUPE TO PEARL STREET THERE'S ADEQUATE RIGHT-OF-WAY TO BUILD THE 12-FOOT WIDE SIDEWALKS AND MAKE THE IMPROVEMENTS THAT ARE REQUIRED OF ANYONE DOING PROJECTS IN THE VAST MAJORITY OF THE OVERLAY AREA. THAT IT IS JUST A CORRECTION IN THAT. THEN THE FOURTH AMENDMENT HAS TO DO WITH REMOVING THE REQUIRED SETBACK, WHICH BECOMES A LITTLE UNNECESSARY BECAUSE YOU HAVE TO PUT IN THE 12-FOOT WIDE SIDEWALKS, THE MAJORITY OF THE AREA. SO THIS -- THIS PROVISION OF THE ORDINANCE REALLY DOESN'T HAVE ANY - DOESN'T -- IS REDUNDANT AND NOT NECESSARY. THAT'S THE -- THE END OF MY PRESENTATION, IF YOU HAVE ANY

QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM AT THIS TIME.

AT LEAST FOUR AMENDMENTS, PROPOSED AMENDMENTS RECOMMENDED BY THE PLANNING COMMISSION.

THAT'S CORRECT.

Mayor Wynn: BUT TECHNICALLY JUST THE FIRST ONE THAT THEN RELATES TO THE ZONING CASE Z-2, THE MAVERICK MILLER HOUSE.

YES, THE FIRST AMENDMENT RELATES TO Z-2.

OKAY. QUESTIONS OF STAFF? COUNCIL? NOW WE HAVE A COUPLE OF FOLKS WHO WOULD LIKE TO ADDRESS US. ON THIS COMBINED CASE, FIRST SPEAKER IS MARY GAY MAXWELL, WELCOME, FOLLOWED BY ROY [INDISCERNIBLE]

GOOD AFTERNOON, MAYOR AND COUNCIL. I'M JUST GOING TO READ A LETTER THAT LYNN TEAM WROTE TO ALL OF YOU EARLIER TODAY, I JUST WANTED TO HAVE IT IN THE RECORD. DEAR MAYOR WYNN AND COUNCILMEMBERS, AFTER MORE THAN A YEAR OF WORK AND WORRY, A HAPPY SOLUTION TO OUR CONCERNS WITH THE MAVERICK MILLER HISTORIC LANDMARK IS ON YOUR AGENDA FOR TODAY. WE EXPECT FOR OPPOSITION AND GIVEN THE OTHER ITEMS IT WILL CERTAINLY INVOLVE LENGTH THESE HEARINGS, WE HOPE THAT OUR ITEM WILL BE ADOPTED ON CONSENT. THE AGREEMENTS ARE DONE, THE LEGAL DOCUMENTS ARE SIGNED. AS WE HEAVE A SIGH OF RELIEF, WE PAUSE TO THANK YOU FOR YOUR SUPPORT FOR THIS HISTORIC ASSET. MR. MAYOR, WE PARTICULARLY APPRECIATE YOUR ENCOURAGEMENT TO THE PARTIES TO FIND SOME WAY THROUGH THEIR IMPASSE. WE HOPE OUR EXPERIENCE MAY BE VALUABLE TO OTHERS WHO SEEM DEADLOCKED WITHOUT HOPE FOR A MUTUALLY SATISFACTORY OUTCOME. THE CANPAC IS COMMITTED TO CREATIVE AND COMPREHENSIVE APPROACHES TO PLANNING FOR A DENSE AND HISTORIC PART OF AUSTIN. WE APPRECIATE WHAT EACH OF YOU ARE DOING TO FURTHER THESE ENDS, SIGNED LIN TEAM WHO IS THE PERSON WHO WORKED SO HARD ON THE MAVERICK MILLER HOUSE TO SAVE IT. THAT'S

REALLY ALL THAT I HAVE TO SAY, THANK YOU.

Mayor Wynn: THANK YOU, MS. MAXWELL FOR ALL OF YOUR WORK.

Alvarez: MAYOR, I HAVE A COUPLE OF QUESTIONS. MS. MAXWELL, YOU OBVIOUSLY WERE VERY INVOLVED IN THE CANPAC PROCESS AND THE DEVELOPMENT OF UNO, THESE ARE AMENDMENTS TO THE LAND USE MAP. THAT WAS DEVELOPED THROUGH THAT PROCESS. IN THIS CASE AGAIN WE HAVE THE TRANSFER OF DEVELOPMENT RIGHTS TO PRESERVE A, YOU KNOW, A HISTORIC STRUCTURE AND -- BUT WAS THERE ANY TALK ABOUT SORT OF WHAT -- WHAT -- BECAUSE THIS IS THE ONLY TRACT I THINK -- IN THE WHOLE ZONE HERE THAT WOULD HAVE 90 FEET VERSUS, YOU KNOW, SOME OTHER HEIGHT LIMITATION. BUT WAS THERE ANY TALK FROM A POLICY POINT OF VIEW, YOU KNOW, IN TERMS OF BEING ABLE TO KIND OF USE THIS TRANSFER OF DEVELOPMENT RIGHTS APPROACH FOR OTHER, YOU KNOW, FOR OTHER TYPES OF THINGS THAT BENEFIT THE NEIGHBORHOOD OR IS THIS JUST FOR THIS PARTICULAR CASE AND NOT INTENDED AS SOMETHING THAT WE MIGHT SEE, YOU KNOW, WITHIN THIS AREA AS YOUNG A LOT OF THE REDUCED DEVELOPMENT OVER HERE FOR INCREASED DENSITY OVER HERE AND BUT IT WAS -- WAS IT TALKED ABOUT AT ALL IN THAT WAY FROM A POLICY POINT OF VIEW? OR IS IT JUST FOR THIS PARTICULAR CASE THIS SEEMS TO WORK AND BECAUSE AGAIN WE MAY GET OTHER REQUESTS FOR THESE SORTS OF THINGS.

IT WAS REALLY JUST FOR THIS TRACT. WE ARE LOOKING AT POSSIBLY CHANGES IN THE HEIGHTS IN THE UNO DISTRICT. OUR COMMITTEE IS LOOKING AT THAT. I KNOW THE PLANNING COMMISSION NEIGHBORHOOD PLANNING COMMITTEE OF THE COMMISSION IS STARTING TO HAVE DIALOGUE, DISCUSSIONS ABOUT THAT. BUT NOT ABOUT TAKING HISTORIC PROPERTIES AND TAKING DEVELOPMENT RIGHTS OFF OF THEM, PUTTING THEM ON TO OTHER PROPERTIES. WE REALLY ARE TRYING TO STAY AWAY FROM THAT. BUT WE ARE LOOKING AT THE FEASIBILITY OF CHANGING THE HEIGHT LIMITS IN THE UNO, IN THE DENSEST PART, THE MOST INTENSE PART OF THE UNO DISTRICT TO -- TO INCREASE HEIGHTS. BUT WE ARE REALLY JUST STARTING

TO WORK ON THAT.

Alvarez: WAS THE CANPAC ALSO SUPPORTIVE OF THE INCREASE TO 220 FOR THAT ONE --

YES, OH, YES. WE LOOKED AT IT. WE WORKED ON IT. OUR RECOMMENDATION WAS TO ALLOW THAT TO HAPPEN. BECAUSE THERE ARE OTHER THINGS, WORKING WITH SIDEWALKS, PUTTING IN WALKS WHERE THERE WASN'T A PROVISION BEFORE. THERE ARE A NUMBER OF THINGS THAT THEY WERE WILLING TO DO.

Alvarez: I JUST WARCHTSED WANTED TO CLARIFY THAT. FOLKS MIGHT SEE THIS AND WONDER IF THEY TOO CAN'T GET AN EXTRA 45 FEET OR AN EXTRA 30 FEET AND --

YES, WE ARE VERY CREATIVE LIKE THAT IN AUSTIN.

THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: THIS ISN'T -- [INAUDIBLE - NO MIC] DR. MAXWELL, I JUST WANT TO THANK YOU AND YOUR NEIGHBORHOOD ORGANIZATION FOR THE EXAMPLE THAT YOU HAVE SET IN WORKING OUT THESE AGREEMENTS, THESE ZONING CASES. YOU KNOW THE QUESTION OFTEN COMES UP WITH THE POPULATION INCREASE THAT WE HAVE COMING TO THIS CITY, ARE WE GOING TO -- ARE WE GOING TO BE ABLE TO INCREASE DENSITY IN THE CITY'S URBAN CORE AS OPPOSED TO SPRAWL. AND IF SO, IF WE DO THAT, HOW ARE WE GOING TO PROTECT OUR OLDER NEIGHBORHOODS. AND I THINK THAT YOU HAVE REALLY SHOWN US THE WAY AND SET THE EXAMPLE FOR THAT. I JUST WANT TO THANK YOU.

THANK YOU VERY MUCH. I HOPE THAT WE WILL BE ABLE TO DO -- PROTECT OUR NEIGHBORHOODS HAVE MORE DENSITY, OUR WHOLE AREA LIKES DENSITY, WE HAVE LIVED WITH IT BEFORE AND IT'S GETTING A LITTLE INTENSE RIGHT NOW WITH ALL OF THE CONSTRUCTION, BUT I THINK IN THE LONG RUN IT WILL WORK OUT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I REALLY WANT TO ECHO WHAT COUNCILMEMBER LEFFINGWELL JUST SAID, WITH COMMISSIONER MARKS MAXWELL, WE ARE GOING TO HAVE A HEARING LATER THIS EVENING ON THE ISSUE OF DENSITY AND SIZE AND MASS AND STRUCTURES, BUT WE HAVE SEEN AGAIN AND AGAIN FROM THE NEIGHBORHOODS AROUND THE UNIVERSITY OF TEXAS IS A COMMITMENT TO PLANNING FOR DENSITY AND FOR PROTECTING NEIGHBORHOOD, THAT'S THE DEAL THAT WE HAVE BEEN MAKING IN THIS COMMUNITY FOR THE LAST COUPLE OF YEARS. AND IT IS A SUCCESSFUL MODEL FOR HOW WE DO DENSITY RIGHT AND THAT IS TO PUT CITIZENS COMMUNITY WHERE IT BELONGS, ALSO TO PROTECT OUR GREAT HISTORIC NEIGHBORHOODS, MARY GAY ONCE AGAIN GREAT JOB, THANK YOU.

THANK YOU VERY MUCH.

OUR NEXT SPEAKER IS ROYCE [INDISCERNIBLE] WELCOME, THREE MINUTES. THEN I WILL READ INTO THE RECORD THE OTHER FOLKS WHO WANT TO HAVE THEIR COMMENTS RECORDED.

HI. MY NAME IS ROYCE GORELY. I OWN THE PROPERTY AT 910 WEST 26th, THE MOST AFFECTED PROPERTY BY THE TRADEOFFS. I JUST WANTED TO LET Y'ALL KNOW THAT I HAD TRIED TO PURCHASE THE HOUSE, THE DEVELOPMENT GROUP NEEDED MY TRACT IN ORDER TO MAKE THEIR BUILDING BIGGER. AND SO I OFFERED THEM WHAT I THOUGHT WAS A FAIR AND REASONABLE OFFER AND WHEN THE DEVELOPMENT TRADEOFF THING CAME INTO THE PICTURE, OF COURSE THE ECONOMIC VALUE OF THE HOME AND THE DEVELOPMENT TRADEOFF OF THOSE EXTRA STORIES WAS SO FAR MORE IN COST FOR THE DEVELOPERS THAT I DON'T KNOW EXACTLY WHAT THE DOLLAR AMOUNT IS, BUT THE HOUSE CAN STAND ON ITS OWN. AND WHAT I GUESS WHAT I HAD SOME ISSUES OF IS WE ARE GOING AND CHANGING UNO, WE ARE CHANGING MAYBE IN AFFORDABLE HOUSING ISSUES, HOW ARE THE STAKEHOLDERS BEING NOTIFIED ON THIS? THERE'S A WHOLE DIFFERENT CAN OF WORMS THIS OPENS UP. I GUESS WHAT WE NEED TO KNOW IS WHO IS RECEIVING THESE BENEFITS, HOW MUCH ARE THE

BENEFITS WORTH ARE WE -- IS THE CITY SAYING THE MAVERICK MILLER HOUSE IS STILL STAYING THERE. OKAY? BUT ARE THOSE DEVELOPMENT RIGHTS ARE THEY WORTH 500,000 ARE THEY WORTH 2.5, ARE THEY WORTH 5 MILLION? I DON'T KNOW. I WORK WITH COUNCILMEMBER ALVAREZ REAL HARD ON THE AFFORDABLE HOUSING, WE KNOCKED HEADS, I NEW YORKED HEADS WITH MR. HILGERS AND I DON'T KNOW IF THERE'S THEN FROM THE UNIVERSITY AREA PARTNERS HERE, BUT WE STARTED AT 15 CENTS A FOOT. WHEN LAND WAS \$60 A FOOT OR 70 A FOOT FOR DIRT DOWN THERE. IT'S \$120 A SQUARE FOOT NOW. SO THE 50 CENTS THAT COUNCILMEMBER ALVAREZ AND SOME OTHER COUNCILMEMBERS HELPED ME GET I WAS GRATEFUL FOR IT, BUT I PUSHED FOR \$3 A FOOT. WE COULD HAVE GOTTEN \$3 A FOOT, COULD HAVE GOTTEN TO \$5 A FOOT BUT WE DIDN'T GO THERE. I WOULD LIKE IF I COULD TO ASK COUNCIL TO INSTRUCT STAFF ON WHAT THESE TRADEOFFS, WHAT IS THE FINANCIAL IMPACT OF THESE TRADEOFFS? BECAUSE I'M FOR THE REDEVELOPMENT OF WEST CAMPUS. I'M FOR ALL OF THAT STUFF. I JUST WANTS TO MAKE SURE THAT WE ARE GETTING A GOOD DOLLAR FOR DOLLAR TRADEOFF. THE OTHER ISSUE I HAVE IS MARK WALTERS ORIGINAL STAFF RECOMMENDATION ON THIS BEFORE THE PLANNING COMMISSION WAS TO HAVE THE WHOLE -- IF YOU CAN'T UNDER UNO WE WERE TRYING TO KEEP ALL OF THE HEIGHTS LEVEL. NOW WE HAVE A BLOCK THAT WE HAVE THREE LOTS THAT ARE GOING TO BE 120 AND THEN TWO LOTS THAT ARE GOING TO BE 90. THAT DOESN'T REALLY LOOK RIGHT. THEN ON THE OTHER ISSUE, ON THE NOTIFICATION PROCESS, I WAS NEVER NOTIFIED BY CANPAC, BUT UNIVERSITY AREA PARTNERS, NEVER BY MIKE MCHONE. I WAS A REAL ESTATE CONTRACT HERE FROM MIKE MCHONE TO PURCHASE MY PROPERTY SO HE KNEW THAT OBVIOUSLY HE COULD TALK TO ME. SO I HAD NO INVOLVEMENT IN -- IN THE TRADEOFFS OR TALKING TO ME AS THE 910 OWNER TO SAY WHAT WOULD YOU LIKE TO CONTRIBUTE FOR THAT EXTRA HEIGHT. NOW SINCE I WASN'T INVOLVED IN THE PROCESS, IT'S REAL HARD FOR ME TO COME BACK IN AND SAY OH, WELL I'LL GIVE YOU A CHECK FOR \$10,000 TO THE AFFORDABLE HOUSING FUND BECAUSE I THOUGHT ABOUT IT AND I SAID YOU KNOW WHAT SOUNDS LIKE KIND OF LIKE A BRIBE TO ME. SO THESE ARE SOME OF

THE ISSUES, IF YOU HAVE ANY QUESTIONS I WILL BE MORE THAN HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU, I WILL POINT OUT THAT AS -- I DON'T REMEMBER FRANKLY WHICH COUNCILMEMBERS HAVE CO-SPONSORED WITH ME. BUT AS I BROUGHT FORWARD THE IDEA AND ASKED STAFF TO INVESTIGATE THIS PARTICULAR ESSENTIALLY TRANSFER TO SAVE THIS ONE HOME, I ALSO SUGGESTED AND ASKED OF STAFF THAT -- THAT THEY CONTINUE TO INVESTIGATE THE WHOLE IDEA OF TRANSFER DEVELOPMENT RIGHTS AND COME UP WITH A PROCESS WHEREBY WE ACTUALLY VALUE AND THERE'S EITHER A COMMUNITY VALUE AND/OR A -- OBVIOUSLY A PUBLIC VALUE FOR ADDITIONAL TRANSFERS, SO WE -- WE CAN IN FACT TALK ABOUT A DIFFERENT POLICY. WE ARE SPECIFICALLY JUST DOING THIS ON THIS ONE TRACT TO -- TO PROTECT THIS HOME. THIS HISTORIC HOME. BUT I WOULD BE VERY MUCH IN FAVOR OF -- OF CONTINUING THAT ANALYSIS AND INVESTIGATION TO COME UP WITH THE FORMAT, A MODEL OF MATHEMATICAL FORMULA WHEREBY WE IN FACT DO VALUE THESE TRANSFERS. SO THOSE ARE -- THOSE ARE THE CITIZENS WHO WANTED TO SPEAK TO US. WE ALSO HAVE BARBARA BRIDGES, MIKE MCHONE LAURIE LYNNBACKER HERE IN FAVOR TO ANSWER QUESTIONS IF NEED BE, MARY ENGLE, RECYCLE IVERSON IN FAVOR -- RICK IVERSON IN FAVOR, CARVER IN OPPOSITION. COUNCIL, FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: A COUPLE OF QUESTIONS. FOR STAFF. TRYING TO REMEMBER ABOUT THE -- ABOUT THE -- WHETHER THE UNO REQUIREMENTS IN TERMS OF THE AFFORDABILITY ELEMENT, BECAUSE I KNOW IT WAS -- I THINK IT WAS 50 CENTS A SQUARE FOOT FOR SQUARE FOOTAGE ABOVE A CERTAIN HEIGHT; IS THAT CORRECT?

COUNCILMEMBER, STEWART HIRSCH WITH NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. THE SPECIFIC REQUIREMENT IN THE UNIVERSITY NEIGHBORHOOD OVERLAY IS THAT ANY APPLICANT WHO TAKES ADVANTAGE OF THE HEIGHT INCREASES OR THE COMPATIBILITY WAIVERS OR ANY OF THE OTHER ENTITLEMENTS CREATED BY THE OVERLAY MUST PROVIDE 10 CENTERS OF THE

HOUSING -- 10% OF THE HOUSING UNITS, 80% MEDIAN FAMILY INCOME OR BELOW FOR A PERIOD OF AT LEAST 15 YEARS, THEY MUST PROVIDE 10% TO HOUSEHOLD AT 65% OR BELOW OR PAY A FEE IN LIEU OF AT 50 CENTS PER SQUARE FOOT OF RESIDENTIAL SPACE. THERE'S ANOTHER EXCEPTION IN A SMALL PART OF THE NEIGHBORHOOD THAT TIES THE HEIGHT INCREASE TO A MANDATORY 65%, BUT THAT'S JUST ENOUGH VERY SMALL BLOCK AREA, SO THAT'S WHAT THE CURRENT ORDINANCE SAYS IN THIS -- AND THIS PROPOSED AMENDMENT DOESN'T CHANGE THAT.

BUT THE TWO PARTICULAR TRACTS IN QUESTION THAT ARE RECEIVING THE ADDED HEIGHT, ASSUMING THAT THEY DEVELOP AS RESIDENTIAL THEN THEY WOULD BE REQUIRED TO -- YOU COULD PROVIDE THAT SECOND 10% AT 65, IS IT 65 OR 60%?

THEY WILL -- THE -- THE PROPOSAL IN FRONT OF YOU WOULD BE THAT -- THAT TOOK ADVANTAGE OF THIS ADDITIONAL HEIGHT INCREASE THEN WE WOULD GET A FEW MORE UNITS AT 80% OR BELOW BECAUSE TOTAL OF 10% OF THE UNITS WOULD HAVE TO BE AT 80% OR BELOW AND THEN THE AMOUNT THEY PAID INTO THE FUND, IF THEY TOOK THE HEIGHT INCREASE WOULD BE GREATER BECAUSE THEIR SQUARE FOOTAGE OF RESIDENTIAL WOULD BE GREATER, THEY DO HAVE A CURRENT SMART HOUSING APPLICATION WITH US, ABOVE WHAT THE CURRENT HEIGHT LIMIT WOULD BE. SO THEY COULD MOVE FORWARD WITH THAT IF THIS AMENDMENT WERE TO PASS.

Alvarez: THE ADDED HEIGHT IS NOT SOMEHOW EXEMPT FROM --

NO IT IS NOT. SIR.

Alvarez: THANK YOU.

Mayor Wynn: COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON THIS COMBINED CASE Z-1 AND Z-2.

I MOVE APPROVAL MAYOR OF THESE TWO ITEMS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ.

SECONDED BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND TO APPROVE THESE TWO CASES, Z-1 AND Z-2 ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. I'M SORRY, MAKE THAT 7-0, THANK YOU.

THAT CONCLUDES OUR ZONING ITEMS THIS EVENING. [APPLAUSE]

UNTIL 6:00.

Mayor Wynn: THANK YOU, COUNCIL THAT CONCLUDES ALL OF OUR ITEMS BEFORE OUR 6:00 PUBLIC HEARINGS. SO AT THIS TIME WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, STAY TUNED TO 5:30 FOR JADE DAY OUR LIVE MUSIC CONCERT AS WELL AS SOME PROCLAMATIONS, WE ARE NOW IN RECESS, I EXPECT US BACK SHORTLY AFTER 6:00 P.M. TO BEGIN PUBLIC HEARINGS.

Mayor Wynn: OKAY, FOLKS, IF I COULD HAVE YOUR ATTENTION, IT'S TIME FOR OUR WEEKLY MUSIC GIG AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS JADE DAY, WHO IS ONE OF AUSTIN'S TOP EMERGING ARTISTS. JADE DAY'S IS AN ALTERNATIVE ROCK SOUND THAT OFFERS LISTENERS A UNIQUE MUSIC EXPERIENCE. CRITICS COMPARE HIM TO JEFF BUCKLEY, NICK DRAKE AND TOM YORK. HE IS CURRENTLY TOURING COAST TO COAST IN SUPPORT OF HIS TOURIST ALBUM AND HE WILL BE SHOWCASED AT BOTH THE INTERNATIONAL FOLK ALLIANCE CONFERENCE IN FEBRUARY AND DURING SOUTH BY SOUTHWEST HERE IN AUSTIN IN MARCH. SO PLEASE JOIN ME IN WELCOMING ONE OF AUSTIN'S BEST KEPT SECRETS, MR. JADE DAY. [APPLAUSE] [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

Mayor Wynn: SO JADE, IT SAYS YOU'RE TOURING COAST TO

COAST. WHERE CAN WE SEE YOU IN AUSTIN.

I'M PLAYING AT THE HILTON TOMORROW IN ROOM 915.

AND YOU'RE BACK IN AUSTIN FOR SOUTH BY SOUTHWEST?

AND ACTUALLY, SATURDAY WE'LL BE PLAYING RUTA MAYA.

Mayor Wynn: SO REMIND ME, DO YOU HAVE A WEBSITE?

IT'S REAL SIMPLE, MY NAME, JADE DAY.COM.

Mayor Wynn: AND CD'S ARE AVAILABLE ONLINE.

AT MY WEBSITE.

Mayor Wynn: BEFORE YOU GET AWAY WE HAVE A PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY. AND WHEREAS THE DEDICATED EFFORTS OF AUSTIN -- OF AFTER ACTIVITIES FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM TODAY AS JADE DAY IN AUSTIN AND WANT EVERYBODY IN AUSTIN TO RECOGNIZE THIS GREAT TALENT. [APPLAUSE]

Mayor Wynn: WHILE JADE BREAKS DOWN OVER THERE, WE'LL COME OVER HERE AND DO A COUPLE OF PROCLAMATIONS. WE USE THIS TIME EACH WEEK TO EITHER CONGRATULATE FOLKS FOR JOBS WELL DONE OR TO PROMOTE PROGRAMS THAT ARE HELPING THE COMMUNITY. OUR FIRST -- WE HAVE A COUPLE OF EXCHANGE STUDENTS FROM SOUTH AMERICA. LADIES, COULD YOU JOIN US? WELCOME. I FREQUENTLY TALK ABOUT HOW I THINK WE WILL LOOK BACK AT THIS TIME AND WILL RECOGNIZE THIS AS REALLY THE INTERNATIONALIZATION OF AUSTIN. THERE'S SO MANY THINGS THAT ARE HAPPENING ON THE INTERNATIONAL FRONT, BOTH PRIVATELY AND PUBLICLY THROUGH THE CITY, BUT OF COURSE A FUNDAMENTAL FOR DECADES NOW, A FUNDAMENTAL, VERY SUCCESSFUL PROGRAM HAS BEEN JUST THE INTERNATIONAL EXCHANGE PROGRAM. AND MANY

FOLKS IN AUSTIN HAVE BEEN HOSTING VISITING STUDENTS FOR DECADES REALLY, AND MANY AUSTINITES, YOUNG AUSTINITES HAVE BEEN TRAVELLING ABROAD FOR THEIR EXCHANGE. WE HERE AT THE CITY OF AUSTIN ARE PROUD TO HAVE A COUPLE OF YOUNG LADIES FROM SOUTH AMERICA JOIN US AS INTERNS. SO I'D LIKE TO ASK KEITH LEACH FROM THE CITY TO TALK ABOUT THE WORK THAT THEY DID AND HOW AS A CITY ORGANIZATION NOW ARE GETTING INTO THE EXCHANGE PROGRAM. KEITH?

THANK YOU, MAYOR. MY WIFE AND I ARE BOTH CITY EMPLOYEES AND WE'VE HOSTED SIX HIGH SCHOOL STUDENTS IN THE LAST THREE OR FOUR YEARS, AND CLAUDIA AND NANA HAVE BEEN WITH US THREE TIMES NOW. CLAUDIA THIS YEAR DID AN EXCHANGE PROGRAM WITH WELLS FARGO AND ANNA DID AN EXCHANGE WITH KEEP AUSTIN BEAUTIFUL. SO WE'RE REAL PROUD OF THEM AND THOUGHT IT WOULD BE NICE TO GET THEM AN HONORARY CITIZENSHIP WHILE THEY'RE HERE.

Mayor Wynn: SO WHAT WE HAVE ARE OFFICIAL HONORARY KIT 17 KIT 17 ZIPS FOR THEIR -- CITIZENSHIPS FOR THEIR SERVICE HERE IN AUSTIN. JOIN ME FIRST IN CONGRATULATING CLAUDIA FOR HER INTEREST CITIZENSHIP TO THE CITY OF AUSTIN. [APPLAUSE] AND TO MARY ANNA FOR THE SAME. [APPLAUSE]

I'D LIKE TO THANK EVERYBODY THAT GIVE THIS TO US AND WE APPRECIATE IT. IT WAS VERY NICE OF KEITH AND THE MAYOR ALSO.

Mayor Wynn: WHERE IS HOME?

HOME? OH, IT'S SAN PAULO IN BRAZIL.

AND THANKS FOR ALL THE OPPORTUNITY AND THE EXPERIENCE I'VE HAD IN KEEP AUSTIN BEAUTIFUL. KEITH AND LISA BRING US UP HERE AND WE LOVE AUSTIN. THANK YOU. [APPLAUSE]

Mayor Wynn: OKAY. THIS IS SORT OF A DUAL PROCLAMATION HERE. THE FIRST ONE REGARDING THE BOOK BOOSTERS HAVE A HEART CAMPAIGN KICKOFF, AND WE'RE GOING TO

HEAR FROM ANGELA MEDEREZ ABOUT THAT, AND THEN WE HAVE THE BRIDGET COCHRAN AND THE PINE FOUNDATION PROCLAMATION AND WE'LL HEAR FROM JUDY BOLAM ON THAT. BUT FIRST I'M PROUD TO BE JOINED BY ANGELA. IF YOU HAVEN'T READ HER BOOK TO YOUR KIDS -- I THINK I HAVE IT MEMORIZED BY NOW. IT'S A GREAT CHILDREN'S BOOK AND WE'RE SO HONORED TO HAVE HER AMONG US. WHAT I'LL DO IS READ THE PROCLAMATION AND HAVE ANGELA SAY A FEW WORDS ABOUT THE PROGRAM. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE COURT APPOINTED SPECIAL ADVOCATES REPRESENT CHILDREN IN FOSTER CARE WHO INCLUDE A LARGE NUMBER OF AFRICAN-AMERICAN AND HISPANIC CHILDREN AND WHEREAS THE MISSION OF THE BOOK BOOSTERS HAVE A HEART CAMPAIGN IS TO PROVIDE A COPY OF THE BOOK CHESTER'S CASA TO THE 2,000 FOSTER CHILDREN IN TRAVIS COUNTY AND THE 250,000 LEARNLT SCHOOL AGE -- ELEMENTARY SCHOOL AGE CHILDREN IN THE FOSTER CARE SYSTEM IN THE UNITED STATES. AND WHEREAS WE JOIN WITH ANGELA OF BOOK BOOSTERS INK AND KAREN COX OF CASA IN TRAVIS COUNTY IN ENCOURAGING RESIDENTS TO REMEMBER THE PLOOIT OF CHILDREN IN FOSTER CARE AND TO BECOME SPECIAL ADVOCATES AND PROVIDE THESE BOOKS FOR SPECIAL CHILDREN. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM VALENTINE'S DAY 2006 AS THE BOOK BOOSTERS HAVE A HEART CAMPAIGN KICKOFF HERE IN AWE AUSTIN AND CALL ON ANGELA TO SAY A FEW WORDS ABOUT IT. PLEASE JOIN ME IN THANKING HER AND FOAFERB THIS GREAT PROGRAM. ANGELA? [APPLAUSE]

I'D LIKE TO THANK MAYOR WYNN, THE CITY OF AUSTIN, ALSO A SPECIAL THANKS FOR KAREN COX OF CASA AND TO THE FOLKS THAT HELP ME RUN BOOK BOOSTERS, ESPECIALLY BRIDGET COCHRAN AND THE PINE FOUNDATION. WE ARE MAKING A SPECIAL EFFORT TO DISTRIBUTE CHESTER'S CASA, A BOOK THAT WAS PUBLISHED BY SCHOLASTIC AND ILLUSTRATED BY ANNE ELIZABETH WYNN TO ALL THE CHILDREN IN FOSTER CARE AND RAISE AWARENESS FOR THE CHILDREN WHO HAVE NO VOICE IN THE COURT SYSTEM THROUGH CASA. WE URGE ALL OF YOU WHO HAVE ANY LITTLE BIT OF TIME, IT DOESN'T TAKE A LOT OF TIME AS

PEOPLE MIGHT THINK, TO BECOME A CASA OR HELPING HEART AND TO JUST MAKE YOURSELF AWARE OF THE NEEDS OF CHILDREN IN FOSTER CARE. KAREN, DID YOU HAVE ANYTHING TO SAY?

WE TRAIN NEW VOLUNTEERS EVERY MONTH. AND IF YOU JUST GO TO WWW.CASATRAVIS.ORG YOU CAN DOWNLOAD THE APPLICATION AND BE IN OUR MARCH TRAINING CLASS. WE NEED YOU VERY BADLY. WE SERVE 1 THU 200 -- 1,200 CHILDREN LAST YEAR, BUT THERE WERE 2,100 THAT NEEDED THAT VOICE. SO EVERY CHILD DESERVES TO HAVE SOMEONE STAND UP AND SPEAK FOR THEM. PLEASE CALL US AT 459-CASA OR DOWNLOAD THE APPLICATION. THANK YOU.

Mayor Wynn: BUT BEFORE THEY GET AWAY, THE OTHER BOOK END OF THIS PROCLAMATION IS ALSO A CERTIFICATE OF APPRECIATION. AND THIS READS: THROUGH THEIR LONG TIME SUPPORT OF BOOK BOOSTERS AND 4 H CAPITAL AFTER SCHOOL AND SUMMER CAMP PROGRAMS, BRIDGET COCHRAN AND THE PINE FOUNDATION HAVE RENDERED VALUABLE SERVICE TO THE CITIZENS OF AUSTIN. MRS. COCHRAN'S INTEREST IN, SUPPORT OF AND DEDICATION TO THE EDUCATION AND WELL-BEING OF ELEMENTARY SCHOOL CHILDREN HAS SUPPLIED BOOK BOOSTERS AND 4 H CAPITAL WITH THE MEANS TO PROVIDE BOOKS, MEDIA MATERIAL, PROGRAMS AND SERVICES FOR THOUSANDS OF STUDENTS. THIS CERTIFICATE IS ISSUED IN RECOGNITION OF MRS. COCHRAN'S GENEROUS SPONSORSHIP ON THE NINTH DAY OF FEBRUARY, 2006. SIGNED BY ME, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, AND I'D LIKE TO ASK JODY BOLAM TO COME UP AND SAY A FEW WORDS ABOUT THE PINE FOUNDATION AND BRIDGET'S GREAT WORK. AND PLEASE JOIN ME IN CONGRATULATING AND THANKING.

I'M VERY HAPPY TO ACCEPT THIS ON BEHALF OF BRIDGET COME RAN, PRESIDENT OF THE PINE FOUNDATION. AND I KNOW SHE'S VERY HAPPY TO SUPPORT ANGELA AND BOOK BOOSTERS AND ALL THAT BANG AING LA DOES FOR THE COMMUNITY. THANK YOU. [APPLAUSE]

Mayor Wynn: WE ARE JOINED BY DR. BILL ESPY AND GEORGE OSWALD. WE HAVE A COUPLE OF PRESENTATIONS FOR

GEORGE. FIRST I'D LIKE TO WELCOME DR. BILL ESPY, A REKNOWNED CIVIL ENGINEER HERE IN AUSTIN AND SERVES ON THE BOARD OF TRUSTEES OF THE AMERICAN SOCIETY OF WATER RESOURCE SOMETHING. [LAUGHTER] BILL?

IT'S CLOSE. THANK YOU, MAYOR. MY NAME IS BILL ESPY. I APPEAR BEFORE YOU TODAY AS A MEMBER OF THE BOARD OF TRUSTEES OF THE FOUNDING OF THE AMERICAN ACADEMY OF WATER RESOURCES ENGINEERS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS. THIS ACADEMY WAS FOUNDED TO PROMOTE THE PRACTICE AND IMPROVEMENT OF OUR PROFESSION, TO RECOGNIZE THE ETHICAL PRACTICE OF WATER RESOURCES AND SUPPORT AND PROMOTE POSITIONS OF WATER RESOURCES ISSUES WITHIN THE UNITED STATES FOR PUBLIC HEALTH, SAFETY AND WELFARE. THE BOARD OF THE ACADEMY IN MARCH OF 2005 APPROVED ITS FIRST CLASS OF DIPLOMATS. THESE WERE RECOGNIZED AT A CONFERENCE IN ANCHORAGE, ALASKA, I MIGHT ADD MY FIRST TRIP THERE. OF 93 DIPLOMATS. GEORGE WAS UNABLE TO ATTEND, BUT HE WAS ONE OF THE FIRST OF THE 10 THAT WERE RECOGNIZED FROM THE STATE OF TEXAS FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF WATER RESOURCES. THE ACADEMY IS AN INITIAL ACADEMY ESTABLISHED WITHIN ASCE THAT WILL PROBABLY FOLLOW WITH ACADEMIES FOR STRUCTURAL, GEOTECHNICAL AND OTHER ENGINEERINGS WITHIN CIVIL ENGINEERING. GEORGE WAS RECOGNIZED FOR HIS OUTSTANDING CONTRIBUTION BOTH IN PRIVATE AND PUBLIC PRACTICE. HE HAS A BS IN CHEMICAL ENGINEERING AND AN MS IN CHEMICAL FROM THE UNIVERSITY OF TENNESSEE AND HAS BEEN IN BOTH PUBLIC AND PRIVATE PRACTICE, SPECIFICALLY HAS BEEN WITH THE CITY FOR OVER 15 YEARS. HE HAS BEEN INSTRUMENTAL IN LEADING THE CITY AND CONTRIBUTING IN THE URBAN DRAINAGE FLOOD CONTROL AREA, STORM WATER RUNOFF, QUALITY AND MANAGEMENT IN THE NPDS PROGRAM. HE WAS RECENTLY INSTRUMENTAL IN WORKING WITH THE CITY IN ITS RECOGNITION BY THE ASSOCIATION OF FLOODPLAIN MANAGERS FOR NO ADVERSE IMPACT CERTIFICATE PRESENTED TO THE CITY IN FEBRUARY 2005. SO ON BEHALF OF THE BOARD OF TRUSTEES IT IS MY PLEASURE TO FORMALLY PRESENT TO GEORGE HIS CERTIFICATE AS

EVIDENCE OF SUCCESSFUL COMPLETION OF THE
PROFESSIONAL REQUIREMENTS OF SAID ACADEMY.
GEORGE? [APPLAUSE]

Mayor Wynn: BEFORE WE HEAR FROM GEORGE, WE ALSO --
OF COURSE THE CITY OF AUSTIN IS VERY PROUD OF
GEORGE'S WORK AND THAT OF AN ENTIRE DEPARTMENT
THAT DOES SO MUCH WORK FOR YOU AS CITIZENS
REGARDING WATER QUALITY, BOTH EVERYTHING FROM
URBAN DRAINAGE, FLOOD CONTROL TO OF COURSE
DRINKING WATER AND OUR WATER UTILITY. THIS CITY OF
AUSTIN DISTINGUISHED SERVICE AWARD READS: FOR BEING
BEEN SELECTED BY THE AMERICAN ACADEMY OF WATER
RESOURCE ENGINEERS AS ONE OF ITS FIRST DIPLOMATS,
GEORGE OSWALD IS DESERVING OF PUBLIC ACCLAIM AND
RECOGNITION. IT IS HONORED TO HAVE HIS HIGH CALIBER
WORK RECOGNIZED NATIONALLY. HE AND THE WATERSHED
PROTECTION REVIEW DEPARTMENT BRING CREDIT TO THE
ENTIRE CITY OF AUSTIN. WE'RE PLEASED TO JOIN THE
AAWRE IN HONORING GEORGE TODAY. THIS CERTIFICATE
PRESENTED WITH OUR CONGRATULATIONS THIS NINTH DAY
OF FEBRUARY, SIGNED BY ME, BUT ACKNOWLEDGED BY THE
ENTIRE CITY COUNCIL, DISTINGUISHED SERVICE AWARD TO
MR. GEORGE OSWALD. [APPLAUSE]

ANY OF YOU THAT KNOW ME, I'M NEVER AT A LOSS FOR
WORDS. THESE ARE -- TO ME PERSONALLY THESE ARE TWO
VERY SPECIAL AWARDS, BUT I WANT TO ACCEPT THIS ON
BEHALF OF THE ENTIRE ENGINEERING COMMUNITY AND THE
CITY OF AUSTIN. THERE ARE MANY PEOPLE HERE THAT
WORK ON A DAILY BASIS TO PUT INFRASTRUCTURE IN PLACE
TO MAKE THIS A BETTER PLACE TO LIVE FOR ALL OF US
THAT ARE ALREADY HERE AND THOSE THOUSANDS THAT
WILL COME IN THE FUTURE. SO THANK YOU VERY MUCH. [
APPLAUSE]

Mayor Wynn: FOR OUR NEXT PROCLAMATION AND ALSO
AWARD I WOULD LIKE TO RECOGNIZE COUNCILMEMBER
BREWSTER MCCrackEN.

McCracken: WE HAVE A CERTIFIED REAL GENUINE
INTERNATIONAL BIG DEAL HERE WITH US TONIGHT. [
LAUGHTER] AS MANY PEOPLE IN THIS ROOM KNOW RIGHT

NOW, BUSINESS WEEK MAGAZINE RECENTLY RANKED ITS 20 MOST IMPORTANT PEOPLE OF THE ENTIRE WORLD FOR LEADING THE EFFORT TO REDUCE GREENHOUSE GASES. AND NUMBER 13 ON THAT -- NUMBER 13? ON THAT LIST ALONG WITH PEOPLE LIKE TONY BLAIR AND APPARENTLY NOT ANYONE FROM WASHINGTON, D.C. AT THE MOMENT -- [LAUGHTER] BUT NUMBER 13 ON THE LIST OF 20 MOST IMPORTANT PEOPLE IN THE ENTIRE WORLD FOR LEADING EFFORT AND BEING SUCCESSFUL IN REDUCING GREENHOUSE GASES WAS OUR OWN ROGER DUNCAN. SO WHAT WE WANT TO DO IS TO GIVE A PROCLAMATION THIS EVENING TO ROGER TO CONVEY OUR RESPECT AND APPRECIATION AND ADMIRATION AND COMPLETE ENVY THAT HE WENT NATIONAL ON US. BEFORE THAT, ROGER, I THINK IT WOULD BE REALLY A GREAT DEAL FOR EVERYBODY WATCHING HERE IF YOU COULD TELL US HOW IT WAS WITH GREEN CHOICE THAT Y'ALL GOT IT STARTED AND THE PRICING DECISIONS YOU MADE AND ALSO WHAT YOU'RE UP TO WITH THE PLUG-IN HYBRID CAMPAIGN.

THANK YOU, COUNCILMEMBER. WE RECEIVED -- CONSTITUENT RECEIVED THIS RECOGNITION PRIMARILY FOR OUR WORK IN THE GREEN CHOICE CAMPAIGN, AND REALLY UNPRECEDENTED SUCCESS FOR MY UTILITY IN THE WORLD ON BEING ABLE TO SELL MORE GREEN POWER, RETAIL GREEN POWER THAN ANY OTHER UTILITY. AND WE WERE ABLE TO ACHIEVE THIS BECAUSE WHEN WE SET UP THE GREEN POWER PROGRAM IN THE BEGINNING SEVERAL YEARS AGO AND WERE LOOKING AT A WAY TO PRICE IT AND WE LOOKED AT THE PRICING MECHANISMS THAT OTHER UTILITIES WERE USING AROUND THE COUNTRY, I WILL GIVE A SECRET. IT WAS JUST TOO COMPLICATED FOR US TO FIGURE OUT WHAT EVERYBODY ELSE WAS DOING, SO WE DECIDED JUST TO PASS THROUGH TO OUR CUSTOMERS THE EXACT COST THAT WE WERE GETTING FOR LONG-TERM CONTRACTS FOR GREEN POWER, MAINLY WIND POWER OUT OF WEST TEXAS. AND IT TURNED OUT TO BE A BRILLIANT MARKETING DECISION THAT WE REALLY DIDN'T INTEND BECAUSE IT ALLOWED OUR CUSTOMERS, OUR RESIDENTIAL CUSTOMERS, AND PARTICULARLY OUR COMMERCIAL CUSTOMERS, TO USE RENEWABLES AS A HEDGE AGAINST RISING FOSSIL FUEL PRICES, AND THAT TURNED OUT TO BE

A VERY IMPORTANT THING, AND NOW UTILITIES AND COMPANIES AROUND THE COUNTRY ARE TRYING TO FIGURE OUT HOW TO EMULATE THAT. WE ALSO LAST YEAR OR SO THE COUNCIL ASKED OUR UTILITY TO LOOK AT WHAT ADDITIONAL THINGS WE COULD BE DOING IN THE AREA OF CLEAN ENERGY. AND WE CAME BACK IN IN ESSENCE SAID ONE OF THE AREAS THAT WE HAVE NOT REALLY TAKEN A LEADERSHIP ROLE IN IS THE TRANSPORTATION SECTOR IN TERMS OF SOME OF THE NEW TECHNOLOGIES THAT ARE OUT THERE. AND WITH THE COUNCIL'S HELP WE DEVELOPED THE PLAN AND THEN STARTED A CAMPAIGN FIRST IN AUSTIN, THEN LAUNCHED IT RECENTLY IN WASHINGTON, A NATIONAL CAMPAIGN TO PROMOTE A MARKET FOR WHAT'S CALLED A PLUG-IN HYBRID. AND I WON'T TAKE LONG TO EXPLAIN THAT, BUT IT'S BASICALLY A HYBRID THAT HAS THE CAPABILITY OF PLUGGING IN TO THE ELECTRIC GRID AS WELL AS RUNNING ON GASOLINE OR OTHER ALTERNATIVE FUELS. AND IT'S A MOVEMENT THAT IS VERY RAPIDLY EXPANDING. THE PRESIDENT INCLUDED IT IN HIS STATE OF THE UNION ADDRESS A COUPLE OF WEEKS AGO, AND WE ARE AGAIN FINDING OURSELVES IN A NATIONAL LEADERSHIP ROLE IN A CLEAN ENERGY TECHNOLOGY DUE TO THE SUPPORT OF THIS COUNCIL AND THIS CITY. THANK YOU. [APPLAUSE]

McCracken: I THINK ONE OF THE COOLEST THINGS ABOUT GETTING TO RECOGNIZE ROGER TONIGHT IS USUALLY YOU HAVE TO DIE OR RETIRE TO BE IN THIS POSITION, AND INSTEAD WHAT ROGER IS DOING IS MAKING A MAJOR GLOBAL IMPACT RIGHT HERE OUT OF OUR GREAT NATIONAL, PROGRESSIVE UTILITY, AUSTIN ENERGY. AND BY THE WAY, FOR THOSE OF YOU WHO HAVEN'T HEARD, CLEAN ENERGY FROM GREEN CHOICE IS NOW CHEAPER THAN REGULAR ELECTRICITY, SO WE HAVE A CITYWIDE LOTTERY FOR THE LIMITED NUMBER OF SPACES AVAILABLE. SO IF YOU WANT TO SIGN UP FOR THE LOTTERY TO GET THE CHEAPER CLEAN ENERGY THAN THE REGULAR COAL GAS NUK NUCLEAR, THANKS TO ROGER AND JUAN AND WHAT EVERYBODY ELSE AT AUSTIN ENERGY HAS DONE, GO TO CHOOSE CLEAN SAVE GREEN OR YOU CAN GET A POSTCARD AROUND TOWN. I'M GOING TO READ THE PROCLAMATION FOR ROGER. IT'S A DISTINGUISHED SERVICE AWARD FOR HAVING BEEN NAMED BY BUSINESS WEEK MAGAZINE AS ONE OF THE 20 TOP

LEADERS OF THE DECADE IN THE EFFORT TO REDUCE GASES THAT CAUSE GLOBAL WARNING. ROGER DUNCAN IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MR. DUNCAN HAS BEEN RESPONSIBLE FOR DEVELOPING OUR GREEN CHOICE PROGRAM WHICH BEGAN IN 2000 AND PROMISES TO HELP AUSTIN ACHIEVE ITS GOAL OF BECOMING THE CLEANEST CITY IN THE U.S. MORE THAN 7500 HOMEOWNERS AND 35 -- 350 BUSINESSES HAVE BECOME GREEN CHOICE CUSTOMERS AND 90% OF THE COMPANIES HAVE OPTED TO BUY RENEWABLE ENERGY EXCLUSIVELY, EVEN DIRTY'S ON THE DRAG IS NOW CLEAN. [LAUGHTER] AUSTIN ENERGY HAS TOPPED ALL U.S. UTILITIES IN SALES OF RENEWABLE ENERGY FOR THE LAST THREE YEARS. AN OUTSTANDING ACCOMPLISHMENT THAT IMPROVES THE QUALITY OF LIFE FOR AUSTINITES AND SETS THE MUNICIPALITY OWNED TILT UP AS AN EXAMPLE TO COMMUNITIES AROUND THE COUNTRY AND THE GLOBE TO EMULATE. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF ROGER'S EFFORTS, HIS COMMITMENT TO THE ENVIRONMENT AND HIS GREAT SUCCESS THIS DAY OF FEBRUARY, 2006, FROM THE CITY COUNCIL OF AUSTIN, TEXAS, WITH LYNN, MAYOR, AND A GRATEFUL, APPRECIATIVE COUNCIL. [APPLAUSE]

THANK YOU VERY MUCH FOR THIS RECOGNITION AND HONOR. IT'S A REAL PRIVILEGE TO REPRESENT THE CITY OF AUSTIN, IT REALLY IS. AND AS I TALK TO OTHER PEOPLE AROUND THE UNITED STATES AND TELL THEM THE WONDERFUL THINGS WE'RE DOING IN CLEAN ENERGY AND CLEAN AIR AND CLEAN WATER AND SO FORTH, I SOMETIMES GET THE QUESTION, WELL, WHY IS AUSTIN DOING THIS? WHY ARE YOU SPENDING SO MUCH EFFORT ON GLOBAL ACTIVITIES LIKE GLOBAL WARMING AND SO FORTH? AND I ENJOY TELLING PEOPLE THAT THE CITIZENS OF THIS COMMUNITY AND THE LEADERSHIP OF THIS COMMUNITY, THE CITY COUNCIL, THE CITY MANAGER'S OFFICE, THE LEADERSHIP AT AUSTIN ENERGY, WANT TO DO MORE THAN JUST OUR SHARE IN MAKING NOT ONLY AUSTIN A BETTER WORLD, BUT THE WORLD A BETTER PLACE. AND SO I'M GRATEFUL FOR THIS AWARD, BUT ACTUALLY I'M MORE GRATEFUL FOR THE SUPPORT AND LEADERSHIP THAT THIS CITY PROVIDES ON THESE MATTERS. THANKS. [APPLAUSE]

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE CITY COUNCIL. WE HAVE THREE PUBLIC HEARINGS TO TAKE UP, ONE OF WHICH WILL TAKE AWHILE, THE FIRST TWO WE'LL BREAK THE LAND SPEED RECORD ON PUBLIC HEARINGS WITH STAFF'S HELP. AT THIS TIME WE'LL CALL UP ITEM NUMBER 36, A PUBLIC HEARING REGARDING DEDICATED PARKLAND. WELCOME MS. JUNEY PLUMBER.

THE PARKLAND INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO CITIZENS SIGNED UP WISHING TO ADDRESS OUTSIDE THIS ITEM, NUMBER 36. HEARING NO COMMENTS OR QUESTIONS, I'LL ENTERTAIN A MOTION.

Thomas: MOVE APPROVAL.

Mayor Wynn: MOTION BYKED MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE RESOLUTION AS OUTLINED BY STAFF. ALL IN FAVOR? OPPOSED? MOTION PASS OZ A VOTE OF FOUR TO ZERO -- FIVE TO ZERO, THANK YOU. WITH COUNCILMEMBERS -- WITH COUNCILMEMBERS ALVAREZ AND LEFFINGWELL TEMPORARILY OFF THE DAIS. ITEM NUMBER 37, CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CITY CODE?

CITY COUNCIL, MY NAME VOKS SAN -- ROXANNE JACKSON, I'M HERE TO CONDUCT A PUBLIC HEARING TO AMEND SECTIONS 25-89-2-D-7-A TO PROVIDE MORE CONSISTENCY AND NOMENCLATURE IN DESCRIBING THE WATERSHEDS WITHIN EACH REGULATED AREA. IF THERE'S ANY QUESTIONS I CAN ANSWER...

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL. AGAIN, THIS HAS THE RECOMMENDED APPROVAL BY THE ENVIRONMENTAL BOARD AND CODE ORDINANCE OF THE SUBCOMMITTEE. AND WE HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK. SYLVIA BENINI? IS SHE STILL HERE? THANK YOU. YOU WILL BE SHOWN AS IN SUPPORT OF THIS ITEM. THANK YOU, MA'AM. FURTHER QUESTIONS OR

COMMENTS? HEARING NONE, I'LL ENTERTAIN A MOTION.
MOTION MADE BY COUNCILMEMBER DUNKERLEY. I'M
SECOND IT TO CLOSE THIS PUBLIC HEARING AND APPROVE
THIS AMENDED ORDINANCE. ALL IN FAVOR PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX
TO ZERO WITH COUNCILMEMBER ALVAREZ OFF THE DAIS.
THANK YOU VERY MUCH. OKAY. SO COUNCIL, THAT LEAVES
US WITH ITEM NUMBER 35, CONDUCT A PUBLIC HEARING AND
CONSIDER AN ORDINANCE. THIS RELATES TO ITEM NUMBER
26, WHICH WAS A ITEM FROM COUNCIL. AND WITH THAT I'LL
RECOGNIZE ONE OF THE SPONSORS, COUNCILMEMBER
DUNKERLEY. SPONSORS -- COUNCILMEMBER MCCrackEN.

McCracken: I KNOW THAT THERE'S OBVIOUSLY A LOT OF
COMMUNITY INTEREST IN THIS, AND THE ITEM THAT I AND
COUNCILMEMBER DUNKERLEY AND COUNCILMEMBER
LEFFINGWELL HAVE BROUGHT FORWARD IS AN EFFORT TO
PROTECT PROPERTY RIGHTS ALL THE WAY AROUND. I THINK
THAT -- WE'VE HEARD FROM A LOT OF FOLKS AND GOODWILL
ON BOTH SIDES OF THIS ISSUE, VERY CONCERNED ABOUT
PROPERTY RIGHTS, AND WE RESPECT THAT. WHAT WE ARE
TRYING TO DO TONIGHT IS TAKE TESTIMONY -- WE'VE
ALREADY RECEIVED A LOT OF GREAT INPUT THAT HAS
HELPED US, SOMETHING ON AN INTERIM STANDARD, IT'S
NOT IN AN EFFORT TO BAN ANYTHING, BUT TO SET
STANDARDS TO PROTECT YOUR PROPERTY RIGHTS AND
YOUR NEIGHBOR'S PROPERTY RIGHTS. I THINK YOU WILL
SEE SOME PHOTOS -- I KNOW THERE'S A QUESTION OF WHY
ARE YOU DOING THIS? AND I THINK WHEN YOU SEE THIS IT
WILL GIVE YOU AN INDICATION OF WHERE THERE'S
CONCERN ON THIS COUNCIL ABOUT PROTECTING
EVERYBODY'S PROPERTY RIGHTS, INCLUDING YOURS AS A
NEIGHBOR. THIS IS AN EXAMPLE OF THE DIFFERENCE IN
SCALE OF THE NEIGHBORHOOD, TWO HOMES HERE IN
CENTRAL AUSTIN. AND WHAT WE SEE HERE IS THAT SOME
OF THE NEW HOMES HAVE VIRTUALLY NO SETBACKS AT ALL
AND THEY REALLY BUILD RIGHT UP ON THEIR NEIGHBORS'
HOMES. WHAT YOU CAN SEE AS YOU LOOK UP AT THE TOP,
THAT IS NOT THE SKY, THAT IS THE HOUSE. AND BY THE
WAY, THE HUGE HOUSE NEXT TO THAT LITTLE HOUSE, ONE

GUY LIVES IN THAT BIG HOUSE. AND SO IT'S NOT -- I KNOW WE HAVE SOME ISSUES ABOUT DENSITY -- THERE ARE TWO ISSUES HERE. ONE IS THE TEARING DOWN OF HOMES IN HISTORIC NEIGHBORHOODS TO PUT UP, YOU KNOW, THREE STORY GROUP HOMES IN THOSE SITES. THERE'S ANOTHER ISSUE OF HOMES THAT ARE WILDLY OUT OF SCALE WITH WHAT'S IN OUR HISTORIC NEIGHBORHOODS. AND AGAIN YOU SEE ANOTHER EXAMPLE OF A -- ONE OF OUR MODEST HISTORIC CENTRAL AUSTIN NEIGHBORHOODS AND YOU SEE A NEW HOME NEXT TO IT, WHICH IS QUITE A BIT BIGGER AND BUILT RIGHT UP ON IT. YOU SEE ANOTHER EXAMPLE HERE. THIS IS REALLY AN EXAMPLE OF AN AREA OF CONCERN AS WE'RE TRYING TO DEVICE AN APPROACH THAT IS REASONABLE AND FAIR AND PROTECTS PEOPLE'S PROPERTY RIGHTS IS WHEN YOU BUILD AN ENORMOUS STRUCTURE RIGHT UP ON THE PROPERTY LINE OF YOUR NEIGHBOR'S AND IT'S A LOT, LOT BIGGER, THEN IT REALLY HARMS THE PROPERTY VALUE AND PROPERTY RIGHTS OF THE PERSON WHO LIVES UNDER YOUR SHADOW. AGAIN WE SEE ANOTHER EXAMPLE OF THE HOMES THAT ARE SIGNIFICANTLY, SIGNIFICANTLY LARGER. AND AS YOU CAN SEE, THAT HOUSE ON THE RIGHT IS IN THE SHADOWS OF THAT BIG NEW HOUSE. ANOTHER EXAMPLE HERE -- THE PHOTO SPEAKS FOR ITSELF. AND THEN YOU'VE GOT THIS EXAMPLE TOO. IT'S IMPORTANT THAT PEOPLE HAVE THE PROPERTY RIGHTS TO BUILD THEIR HOME, BUT WE ALSO HAVE A RESPONSIBILITY TO BE GOOD NEIGHBORS TO EACH OTHER. SO THAT'S REAL HARD TO LEGISLATE, WE RECOGNIZE THAT. WE'RE TRYING TO STRIKE AN APPROPRIATE BALANCE. THIS IS A REAL WORLD EXAMPLE OF WHAT'S GOING ON IN OUR COMMUNITY RIGHT NOW. YOU SEE ANOTHER EXAMPLE UP THERE. THEN RIGHT HERE IS ANOTHER EXAMPLE. AND THAT'S A PART OF THE PHENOMENON THAT RIGHT NOW IN AUSTIN OUR SINGLE-FAMILY ZONING CATEGORIES YOU'VE GOT KIND OF A GLITCH IN IT IN WHICH SOMEONE FROM ANOTHER CITY CAN COME IN, BUY A HOUSE, TEAR IT DOWN AND BUILD A THREE STORY GROUP HOUSE NEXT TO YOU WITH NO SETBACKS TO SPEAK OF AND SUDDENLY YOU HAVE 18 PEOPLE LIVING NEXT DOOR TO YOU WHEN YOUR MOST IMPORTANT INVESTMENT IN THE WHOLE WORLD, YOUR HOME AND YOUR NEIGHBORHOOD WHICH YOU INVESTED YOUR LIFE SAVINGS IN YOUR

NEIGHBORHOOD AND SUDDENLY SOME OUT OF TOWN INTEREST WHO DOES NOT HAVE A STAKE IN YOUR NEIGHBORHOOD TEARS DOWN YOUR NEXT DOOR HOUSE AND BUILDS A HOUSE WITH 12 STUDENTS NEXT TO YOU AND YOUR PROPERTY RIGHTS ARE HARMED IN THAT. AND THIS IS ANOTHER EXAMPLE. ANOTHER. AND AGAIN. CAN YOU RESET THAT? THANKS. SO ONE OF THE THINGS IS WHY DOES THIS MATTER? AND WHY IS AUSTIN TRYING TO DO THIS? I'VE GOT TO TELL YOU, THE FIVE BIGGEST CITIES IN THE STATE OF TEXAS, WE ARE THE FOURTH TO TAKE THIS UP. THIS IS NOT SOMETHING THAT AUSTIN EMBARKED ON STRANGE AND UNUSUAL ON ITS OWN. WE'RE THE FOURTH CITY. DALLAS AND FORT WORTH AND PARTS OF SAN ANTONIO ALREADY HAVE ORDINANCES OF A SIMILAR EFFORT TO PROTECT PEOPLE'S PROPERTY VALUES FROM WHAT MAY HAPPEN NEXT DOOR TO THEM AND ALSO PROTECT PEOPLE'S PROPERTY RIGHTS IN REDEVELOPING THEIR OWN HOMES. MY IN-LAWS LIVE IN SAN ANTONIO AND THERE'S -- THERE'S TWO ELEMENTS HERE. THERE'S COMMUNITY VALUES AND A RESPONSIBILITY TO BE GOOD NEIGHBORS. THERE'S ALSO AN ECONOMIC ANGLE. I KNOW WE WILL HEAR A LOT ABOUT THE ECONOMIC ANGLE OF IT. MY IN-LAWS ARE ACTIVE IN THE CHAMBER OF COMMERCE IN SAN ANTONIO, AND EVERYBODY, INCLUDING THEM, HAS TO READ THE BOOK THE RISE OF THE CREATIVE CLASS. AND THAT IS REALLY A LEADING NATIONAL STUDY ON WHAT MAKES COMMUNITIES SUCCEED ECONOMICALLY AND THE AUTHOR HAS WRITTEN -- HE RANKS AUSTIN NUMBER 2 IN THE NATION IN TERMS OF CITIES THAT ARE ECONOMICALLY DYNAMIC AND THE FACTORS THAT GO INTO MAKING A CITY ECONOMICALLY DYNAMIC AND PROSPEROUS. AND AMONG THE FACTORS THAT HE'S CHRONICLES IS SOMETHING HE'S CALLED AUTHENTICITY BECAUSE HE'S TRYING TO UNDERSTAND WHY PEOPLE ALL OVER THE COUNTRY ARE DESPERATE TO LIVE IN AUSTIN AND WORK HERE. PEOPLE, HIGHLY TALENTED PEOPLE THAT WILL MAKE A BIG ECONOMIC DIFFERENCE. AND HE WRITES ABOUT AN IMPORTANT ELEMENT IS THE AUTHENTICITY OF A COMMUNITY. THE PLACES ARE ALSO VALUED FOR AUTHENTICITY AND UNIQUENESS, AS I HAVE HEARD MANY TIMES IN MY STUDIES. AUTHENTICITY COMES FROM SEVERAL ASPECTS OF A COMMUNITY, HISTORIC BUILDINGS, ESTABLISHED NEIGHBORHOODS, UNIQUE MUSIC

SCENE OR SPECIFIC CULTURAL ATTRIBUTES. IT COMES FROM THE MILK, URBAN GRID ALONG RENOVATED BUILDINGS, LONG TIME NEIGHBORHOODS, FASHION MOALGZS AND BAG LADY. PEOPLE I HAVE INTERVIEWED OFTEN DEFINE AUTHENTICITY AS THE OPPOSITE OF GENERIC. SO WE AS A COUNCIL HAVE TO BALANCE INTERESTS AND LOOK OUT FOR THE COMMON GOOD. AND WE KNOW THAT AMONG THE PROPOSALS THAT THINGS HAVE CIRCULATED THAT EARLIER VERSIONS OF THIS HAVE BEEN WAY TOO INFLECTION I BELIEVE AND WE HAVE TAKEN - - INFLEX I BELIEVE. AND WE BELIEVE THAT WE HAVE SOMETHING COMING FORWARD TONIGHT THAT IS VERY FAIR, BALANCED, THAT WILL PROTECT AGAINST RESULTS THAT I THINK THAT 99% OF US IN THIS ROOM WOULDN'T WANT TO LIVE NEXT TO AND WE DON'T THINK IS RIGHT. WE NEED TO TAKE AN APPROACH THAT IS APPROPRIATE TO BALANCE PROPERTY RIGHTS AND TO MAKE SURE THAT PEOPLE ARE GOOD NEIGHBORS WITH EACH OTHER. THAT RESPONSIBILITY IS A HARD THING TO DO. WE'RE GOING TO LISTEN WITH AN OPEN MIND TONIGHT BECAUSE THAT'S OUR RESPONSIBILITY AS THE PEOPLE ENTRUSTED TO LOOK OUT FOR THE GREATER GOOD OF OUR GREAT COMMUNITY.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I KNOW EARLIER IN THE PROCESS WE HAD SOME RECOMMENDATIONS FOR SOME INTERIM RULES THAT WERE VERY, VERY STRICT. AND I'VE BEEN WORKING VERY DILIGENTLY ALL DAY TO SEND OUT SORT OF A MASS E-MAIL AS TO WHAT THE CURRENT PROPOSAL IS. AND THE INTENT IS NOT TO STOP MOST REMODELLING. IT'S NOT TO STOP MOST BUILDING. IT'S TO LET MOST OF THOSE THINGS GO THROUGH EVEN WITH THE INTERIM ORDINANCES. THAT WOULD INCLUDE YOU COULD INCREASE YOUR BUILDING SIZE UP TO 2500 SQUARE FEET OR YOU COULD GO 20% OVER WHAT'S THERE NOW OR YOU COULD USE A .4 .4 FAR. AND EVERYBODY WROTE ME BACK AND ASKED ME WHAT THAT IS. I KNOW IT SQUARE FOOTAGE IN RELATION TO LOT SIZE, BUT I THINK WHAT IT MEANS IS THE BIGGER THE LOT, THE BIGGER THE HOUSE. AND THOSE ARE SOME OF THE WAYS THAT WE'RE NOT TRYING TO STOP THE NORMAL BUILDING THAT'S GOING ON. WE'RE ALSO INCLUDING A PROVISION IN THERE FOR A WAIVER. IF SOMEBODY GETS

CAUGHT UP IN THESE INTERIM RULES WHICH ARE DUE TO BE REPLACED BY THE PERMANENT RULES AT THE END OF MAY, THEN THEY CAN COME FORWARD AND WE CAN ASK FOR A WAIVER. SO THE REAL INSENT IS TO NARROW DOWN ON THOSE PARTICULAR TYPES OF HOUSES THAT ARE CAUSING A LOT OF PROBLEMS IN A LOT OF NEIGHBORHOODS. I'VE HAD A LOT OF E-MAILS THAT SAY DON'T LISTEN JUST TO THE FEW. I CAN TELL YOU I HAVE HAD HUNDREDS OF COMPLAINTS AND E-MAILS FROM PEOPLE IN ALL PARTS OF THIS CITY, ON MANY, MANY NEIGHBORHOODS WHO HAVE BEEN DIRECTLY IMPACTED BY AN INAPPROPRIATE BUILDING AND AN INAPPROPRIATE USE OF THAT INAPPROPRIATE BUILDING, AND THAT'S WHAT WE'RE REALLY TRYING TO DO. SO FOR THE NEXT 60 TO 90 DAYS WE'RE GOING TO BE ASKING ALL OF THE STAKEHOLDERS, THE ARCHITECTS, THE BUILDERS, THE HOMEOWNERS, THE STAFF, TO GET TOGETHER AND COME BACK WITH SOMETHING THAT REALLY IS FAIR AND REASONABLE. AND I KNOW THAT WE'LL ALL BE ABLE TO DO THAT. I'VE ALSO HAD A LOT OF E-MAILS COMPLAINING ABOUT THE IMPACT ON THEIR PROPERTY TAXES AND ON THEIR LAND VALUES. WELL, I HAVEN'T SPOKEN DIRECTLY WITH ART COREY, WHO IS THE APPRAISER, BUT HIS APPRAISALS FOR THE CURRENT YEAR HAVE BEEN DONE AND WILL BE GOING INTO AN AREA -- INTO AN ERA RIGHT NOW WHERE YOU WILL HAVE YOUR APPEALS PROCESS. AND WE WILL NOTIFY MR. COREY THAT THESE RULES ARE TEMPORARY IN NATURE AND THE FINAL RULES WILL BE IN PLACE IN MAY. AND USUALLY WHAT HE APPRAISES RELATES TO THE SELLING PRICE OF HOUSES NEARBY OR IN THE NEIGHBORHOOD. SO I REALLY THINK THESE TEMPORARY RULES, SINCE WE'RE GOING TO BE VERY QUICKLY REPLACING THEM WITH THE PERMANENT RULES, SHOULD NOT HAVE TOO MUCH OF AN ADVERSE IMPACT ON ANY OF THAT. SO I GUESS MY APPEAL TO YOU IS TO TRY TO LOOK OUT AND SEE THE NEEDS OF EVERYBODY IN THE COMMUNITY AND LET'S TRY TO COME UP WITH SOMETHING THAT'S FAIR TO ALL. SO THAT'S MY HOPE FOR THE EVENING.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL TRY NOT TO RECOVER ALL THE GROUND THAT'S ALREADY BEEN COVERED, BUT I DO WANT TO SAY

THAT THOSE OF US ON THE COUNCIL WHO HAVE CO-SPONSORED THIS DIDN'T JUST DREAM IT UP. THIS IS A PROPOSAL THAT SEEKS TO FIND A SOLUTION THAT WAS BROUGHT TO US BY THE PEOPLE THAT LIVE IN OUR COMMUNITY, IN OUR NEIGHBORHOODS. THEY'RE EXPERIENCING A REAL PROBLEM, SO WE'RE ATTEMPTING TO TRY TO DEAL WITH IT. THE PROPOSAL THAT WE WILL PUT FORTH TONIGHT I THINK IS VERY FLEXIBLE, AND THAT'S IN LARGE PART TO INPUT THAT WE'VE RECEIVED AND WE'VE GOTTEN A LOT OF IT IN THE LAST WEEK OR SO. AS COUNCILMEMBER DUNKERLEY OUTLINED THE THREE PARAMETERS UNDERWHICH YOU COULD REDEVELOP. AND -- PLUS THE WAIVER CAPABILITY FOR SOMETHING THAT DOESN'T FIT INTO ANY OF THOSE NICHES. I THINK THAT MOST PEOPLE WHO WANT TO DEMOLISH THEIR HOUSE, REBUILD IT ON THEIR LOT, ADD ON TO THEIR HOUSE WILL BE ABLE TO DO IT UNDER THE PROVISIONS OF THIS TEMPORARY ORDINANCE. AS WE GO FORWARD, WE WILL ALSO BE ADVANCING A PROCESS TO ENACT A PERMANENT ORDINANCE. IT SHOULD BE MUCH BETTER. WE'LL HAVE MORE TIME TO GET MORE INPUT FOR THAT PERMANENT ORDINANCE, AND IT WILL ADDRESS OR ATTEMPT TO ADDRESS ALL OF THE CONCERNS THAT SO MANY OF YOU HAVE. FINALLY, I THINK THAT UNDERSTANDING WHAT THIS ORDINANCE REALLY DOES AND WHAT IT DOESN'T DO WILL BE VERY IMPORTANT IN PROVIDING COMFORT TO MANY PEOPLE WHO ARE CONCERNED ABOUT IT RIGHT NOW. FOR EXAMPLE, I HAD -- OF COURSE, I'VE GOTTEN MANY E-MAILS, AS HAS EVERYONE ELSE, BUT I HAD ONE A HOMEOWNER DESCRIBED A SITUATION AS HAVING A ONE ACRE LOT AND SOMETHING LIKE A 1200 SQUARE FOOT HOUSE THAT HE NEEDED TO ADD ON TO AND HE WAS CONCERNED THAT NOW HE WOULDN'T BE ABLE TO DO IT. WELL, THE TRUTH IS THE PROVISIONS OF THIS PROPOSAL UNDER THIS PROPOSAL WITH NO OTHER RESTRICTIONS CONSIDERED, HE COULD BUILD A 17,000 SQUARE FOOT HOUSE ON THAT LOT. SO I THINK UNDERSTANDING, AGAIN, WHAT IT DOES AND WHAT IT DOESN'T DO WILL BE VERY IMPORTANT, AND WE'LL LOOK FOR THE INPUT FROM ALL PARTIES AS WE GO FORWARD WITH THE PERMANENT ORDINANCE, WHICH HOPEFULLY WE CAN DO IN ABOUT TWO MONTHS.

Mayor Wynn: SO WITH THAT SAID, PERHAPS THE BEST WAY FOR FOLKS TO UNDERSTAND IT WILL BE FOR A STAFF PRESENTATION. I GUESS I'D RECOGNIZE ASSISTANT CITY MANAGER LAURA HUFFMAN.

THANK YOU, MAYOR. LAST WEEK YOU INITIATED A PROCESS TO CREATE NEW REGULATIONS FOR THE REDEVELOPMENT OF SINGLE-FAMILY USES IN OUR OLDER URBAN NEIGHBORHOODS. WHAT WE WOULD LIKE TO DO BEFORE WE START THE PUBLIC HEARING IS TO EXPLAIN WHAT THAT REGULATION WILL DO. THE INTEREST AS WE UNDERSTAND IT IN OUR CHARGE IS TO MAKE SURE THAT THE REGULATIONS REALLY STRIKE A BALANCE BETWEEN THE DESIRE OF HOMEOWNERS WHO WANT TO INCREASE THEIR HOME SIZE BY EITHER DEMOLISHING AN EXISTING STRUCTURE AND REBUILDING OR REMODELLING AN EXISTING STRUCTURE TO ENSURE THAT REDEVELOPMENT OCCURS AND THAT IT PROTECTS THE CHARACTER OF OUR OLDER NEIGHBORHOODS. AND FINALLY, THAT OUR ALREADY STRESSED DRAINAGE INFRASTRUCTURE IN THE URBAN CORE IS NOT FURTHER COMPROMISED BY BUILDING STRUCTURES THAT ARE NOT SUITABLE TO THE EXISTING INFRASTRUCTURE. SO THOSE ARE THE INTERESTS THAT WE'RE TRYING TO BALANCE. NOW, RECOGNIZING THAT THOSE ARE SOME COMPLEX INTERESTS AND THAT THERE ARE A LOT OF STAKEHOLDERS WHO WANT TO PARTICIPATE IN CREATING THOSE PERMANENT REGULATIONS, WHAT WE'RE POSTED FOR THIS EVENING IS FIRST READING ON THE PASSAGE OF INTERIM REGULATIONS. IF THE ORDINANCE BEFORE THE CITY COUNCIL TONIGHT PASSES, TWO THINGS WILL HAPPEN. THE FIRST IS THAT THE INTERIM REGULATIONS WILL GO INTO EFFECT BEGINNING TOMORROW AND THEY WILL STAY IN EFFECT UNTIL NEXT WEEK WHEN THE CITY COUNCIL WILL BE POSTED FOR SECOND AND THIRD READING. ALSO BETWEEN NOW AND NEXT THURSDAY THE PLANNING COMMISSION WILL REVIEW THESE INTERIM REGULATIONS AND THEY WILL DO THAT ON THE 14TH. THE SECOND THING THAT WILL HAPPEN IF THIS PASSES TONIGHT ON FIRST READING IS THAT THE CITY COUNCIL IS DIRECTING STAFF TO CREATE PERMANENT REGULATIONS, BALANCING THE INTERESTS THAT I JUST MENTIONED, AND TO BRING BACK THOSE PERMANENT

REGULATIONS NO LATER THAN MAY SEVENTH. SO THOSE TWO THINGS WILL HAPPEN IF THIS ORDINANCE PASSES ON FIRST READING. I WANT TO TALK ABOUT THE APPLICATION OF THE ORDINANCES THAT ARE BEFORE YOU TONIGHT BECAUSE I THINK THERE'S BEEN SOME CONFUSION. THE ORDINANCE AS IT'S CRAFTED TODAY, THE INTERIM REGULATIONS APPLY ONLY TO SUBDIVISIONS THAT WERE APPROVED PRIOR TO MARCH 7TH, 1974. THAT IS A SIGNIFICANT DATE IN OUR CITY BECAUSE THAT IS THE DATE THE CITY COUNCIL PASSED ITS FIRST COMPREHENSIVE DRAINAGE REGULATION. SO WE KNOW THAT SUBDIVISIONS BUILT PRIOR TO THAT TIME ARE THE LEAST ABLE TO SUPPORT DRAINAGE INFRASTRUCTURE THAT IS STRESSED. THE STRIM REGULATIONS DO NOT APPLY TO ANYONE THAT FILES AN APPLICATION FOR A BUILDING, DEM DEMOLITION OR REMODELING PERMIT TODAY OR EARLIER. SO IF YOU HAVE A PERMIT ON FILE WITH THE CITY AS OF TODAY, THESE INTERIM REGULATIONS DO NOT APPLY. THE REGULATIONS DO NOT APPLY FOR REPAIR PERMITS, FOR THOSE PEOPLE THAT ARE WANTING TO PULL PERMITS FOR PLUMBING OR ELECTRICAL REPAIRS. AND THE INTERIM REGULATIONS ALSO PROVIDE FOR A WAIVER PROVISION FOR SITUATIONS, FOR EXAMPLE, WHERE THE REGULATIONS CREATE AN UNDUE HARDSHIP. SO THAT'S HOW THE INTERIM REGULATIONS WILL APPLY BETWEEN NOW AND MAY 7TH. THE INTERIM REGULATIONS ARE DESIGNED TO ADDRESS REDEVELOPMENT OF LOTS IN TWO WAYS. THE FIRST IS FOR LOTS WHERE A HOUSE HAS BEEN DEMOLISHED OR MOVED AND THE NEW STRUCTURE, ACCORDING TO THE INTERIM REGULATIONS, IS LIMITED TO THE LARGER OF A .4 TO ONE FLOOR TO AREA RATIO, 2500 SQUARE FEET OR 20% GREATER SQUARE FOOTAGE THAN THE EXISTING OR PREEXISTING STRUCTURE. SO THAT REGULATION APPLIES TO LOTS WHERE PEOPLE ARE BUILDING A NEW STRUCTURE. THE SECOND PLACE IT WILL APPLY IS REMODELING PERMITS. HERE THE SIZE AND FOR PEOPLE REMODELLING THEIR HOMES IS LIMITED TO THE GREATER OF AGAIN A .4 TO ONE FLOOR TO AREA RATIO, 2500 SQUARE FEET OR 1,000 SQUARE FEET GREATER THAN THE EXISTING SIZE. AND IN JUST A MOMENT WE'RE GOING TO ASK GREG GUERNSEY TO DESCRIBE WHAT THIS LOOKS LIKE IN REAL TERMS. I KNOW THAT SQUARE FEET IS PRETTY INTUITIVE TO PEOPLE, BUT

FOR MOST PEOPLE FLOOR TO AREA RATIOS IS NOT INTUITIVE, SO GREG IS GOING TO PROVIDE YOU WITH SOME EXAMPLES OF WHAT THAT WILL MEAN ON THE GROUND SO THAT YOU CAN UNDERSTAND THE GREATER OF. THIS REALLY STEMS FROM DRAINAGE PROBLEMS THAT WE HAVE IN AUSTIN. THOSE OF YOU WHO HEARD THE BOND PRESENTATION LAST WEEK ARE AWARE THAT AUSTIN HAS SOME FAIRLY DRAMATIC DRAINAGE PROBLEMS. THEY'RE EXPENSIVE AND THEY'RE HARD TO SOLVE. IN 2001 THIS CITY COUNCIL ADOPTED A WATERSHED PROTECTION MASTER PLAN. IN THAT WE EVALUATED ONLY 17 OF OUR 54 WATERSHEDS. THOSE WERE MOSTLY SOME OF THE URBAN WATERSHEDS. AND FROM THAT STUDY WE FOUND THAT WE HAD \$800 MILLION AND IN NEEDED INFRASTRUCTURE PROJECTS TO SOLVE KNOWN DRAINAGE PROBLEMS. SO WE KNOW THAT IN AUSTIN DRAINAGE IS AN ISSUE. WE ALSO KNOW FROM STAFF PRESENTATIONS TO THE BOND COMMITTEE AND THE BOND COMMITTEE'S INITIAL PRESENTATION TO THE CITY COUNCIL THAT THESE COMPRISE SOME VERY NEEDED INVESTMENTS IN THE COMING YEARS. THE REGULATIONS BEFORE THE CITY COUNCIL TODAY ARE DESIGNED TO ENSURE THAT THOSE PROBLEMS DO NOT CONTINUE TO GROW BECAUSE OF NEW STRUCTURES THAT CANNOT BE ADEQUATELY HANDLED BY THE EXISTING FRACTURE. SO WHAT I'D LIKE TO DO NOW IS ASK GREG GUERNSEY TO STEP UP AND HELP DESCRIBE HOW THE THREE CRITERIA IN BOTH BUILDING ON A LOT WHERE A HOUSE HAS BEEN EITHER DEMOLISHED OR REMOVED AND THE REMODELING LOOK, AND THEN GEORGE OSWALD IS GOING TO TALK ABOUT THE DRAINAGE INFRASTRUCTURE.

THANK YOU, LAURA. GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. AS MENTIONED BEFORE, THE CRITERIA WHEN YOU ARE BUILDING A NEW BUILDING TO REPLACE ONE THAT HAS EITHER BEEN DEMOLISHED OR RELOCATED HAD A LIMITATION OF .4 TO ONE FAR. AND YOU MAY ASK WHAT IS THE FLOOR TO AREA RATIO? IT'S THE AMOUNT OF FLOOR AREA THAT YOU HAVE VERSUS THE SITE AREA THAT YOU HAVE. AND WHEN WE SPEAK OF THE SITE WE'RE TALKING ABOUT THE TOTAL AMOUNT OF LAND THAT YOU OWN AS PART OF THAT LOT OR

THAT TRACT OF LAND. AND THE GROSS FLOOR AREA IS THE TOTAL ENCLOSED AREA OF ALL THE FLOORS OF THE BUILDING WITH A CLEAR HEIGHT OF MORE THAN SIX FEET MEASURED FROM THE OUTSIDE SURFACE OF THE EXTERIOR WALLS. AND WHAT I WANT TO NOTE HERE IS THAT WHEN WE SPEAK OF GROSS FLOOR AREA, IT WOULD NOT INCLUDE A PARKING FACILITY, SO IF YOU HAD A GARAGE, FOR INSTANCE, WHERE YOU PUT YOUR CAR OR WHATEVER, THE PARKING SPACES THAT YOU HAVE WOULD NOT BE COUNTED AGAINST YOU, TOWARDS THAT FAR LIMITATION. THE PARKING FACILITY AS I SAID BEFORE MEANS THOSE PARKING SPACES THAT ARE IN A GARAGE STRUCTURE. THE SQUARE FOOTAGE THAT'S ALSO MENTIONED WE TALKED ABOUT WAS 2,500 SQUARE FEET. THE ORDINANCE AS IT DEFINES THE SQUARE FOOTAGE MEANS THE GROSS FLOOR AREA, AND AS I'VE SAID BEFORE FOR THE F.A.R. TO CALCULATE, WHICH IS SIMPLY TAKING THE GROSS FLOOR AREA, DIVIDING IT BY THE SITE AREA, THAT ALSO REMOVES THE PARKING AREA FROM THOSE CALCULATIONS. SO LET ME GIVE YOU AN EXAMPLE. IF YOU OWNED A 10,000 SQUARE FOOT LOT AND YOU WANTED TO UTILIZE THE CONSTRUCTION OF A HOME ON THIS PROPERTY AND YOU HAD A .4 F.A.R., YOU WOULD SIMPLY MULTIPLY .4 TIMES 10,000 AND YOU COULD BUILD UP TO A 4,000 SQUARE FOOT HOUSE ON A 10,000 SQUARE FOOT LOT. AND THAT VERY SIMPLY IS HOW YOU ARRIVE AT THE FLOOR TO AREA RATIO. BUT REMEMBER, THIS WAS ONLY SPEAKING TO THE GREATER OF THOSE THREE THINGS. SO IF YOU ONLY HAVE SAY A HOUSE THAT WAS ONLY LET'S SAY 500 SQUARE FEET, IT MIGHT GET YOU UP TO A MUCH LARGER SQUARE FOOTAGE. BUT IF IT DIDN'T GET YOU UP TO A MUCH LARGER SQUARE FOOTAGE AND IT WAS NOT ENOUGH TO ACHIEVE 2500 SQUARE FEET, YOU COULD CERTAINLY BUILD THAT. SO YOU COULD BUILD A .4 F.A.R., YOU COULD BUILD 2500 SQUARE FEET OR YOU COULD BUILD 20% MORE THAN THE HOUSE WAS THERE BEFORE. IF YOU HAD A 10,000 SQUARE FOOT HOUSE, I GUESS YOU COULD COME BACK AND BUILD A 12,000 SQUARE FOOT HOUSE ON YOUR LOT. SO IT'S ALWAYS THE GREATER OF THOSE THREE THINGS. FOR REMODELING PURPOSES, IT'S SIMILAR AGAIN. THE FLOOR TO AREA RATIO IS THE SAME .4. AND ALSO THE SQUARE FOOTAGE IS ALSO 2500 SQUARE FEET. THE DIFFERENCE WHEN YOU HAVE A

REMODELING AND YOU'RE DOING AN ADDITION THAT YOU COULD GET AN ADDITIONAL 1,000 SQUARE FEET IF YOU HAD A HOMESTEAD EXEMPTION ON YOUR PROPERTY, SO IF YOU HAD A HOUSE THAT WAS ALREADY 3,000 SQUARE FEET, YOU COULD ADD ONE THOUSAND SQUARE FEET, FOR INSTANCE, IF YOU HAD A HOMESTEAD EXEMPTION. THESE REGULATIONS DO NOT APPLY TO LOTS WHERE A HOUSE DID NOT EXIST PREVIOUSLY. FOR INSTANCE, IF YOU WERE BUILDING IN A SUBDIVISION, TYPICALLY MORE ON THE SUBURBAN FRINGE, AND YOU WERE BUILDING NEW CONSTRUCTION, THOSE NEWER SUBDIVISIONS THESE REGULATIONS WOULD NOT APPLY AND YOU COULD BUILD CONCEIVABLY A HOUSE THAT MEETS THE MAXIMUM LIMITATIONS OF OUR CODE, THAT COULD EXCEED THE .4, 2500 OR THE OTHER LIMITATIONS I SPOKE OF. WE HAVE BEEN WORKING CLOSELY WITH OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE BECAUSE OF THE CONCERN OF AFFORDABLE HOUSING, AND OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE FOUND THAT THE PROPOSED INTERIM ORDINANCE HAS BEEN SUGGESTED BY COUNCIL AS IT APPLIES TO SINGLE-FAMILY, ADDITIONS TO SINGLE-FAMILY WOULD HAVE NO IMPACT ON THE HOUSING HOUSE AFFORDABILITY AS OUTLINED IN THE PROPOSED ORDINANCEMENT. BEFORE I TURN THIS OVER TO GEORGE TO TALK ABOUT SOME OF THE DRAINAGE ISSUES, I DID WANT TO SPEAK TO ONE ITEM. UNDER THE FINDINGS, I WANTED TO CLARIFY THAT UNDER ITEM NUMBER 5 5 OF YOUR FINDINGS, COUNCIL, THAT THERE'S SOME ADDITIONAL LANGUAGE THAT NEEDS TO BE ADDRESSED ON THAT PARTICULAR FINDING. THAT THE STORM DRAIN IS SYSTEMS IN OLDER SUBDIVISIONS ARE CURRENTLY OPERATING NEAR OR BEYOND CAPACITY. THERE SHOULD BE SOME ADDITIONAL LANGUAGE THAT'S ATTACHED TO THAT. THAT THE REMAINING PORTION OF THE CAPACITY, IF ANY, IN THE DRAINAGE SYSTEM IN THE OLDER NEIGHBORHOODS IS COMMITTED TO REDEVELOPMENT. AND THAT ADDITIONAL STATEMENT NEEDS TO BE ADDED. SO IN SUMMARY AGAIN, PARKING IN THE F.A.R. OR THE 2500 SQUARE FOOT, WHEN WE SPEAK OF THOSE THINGS, THOSE DO NOT INCLUDE THE PARKING FACILITY OR WHERE YOU PARK YOUR CARS. AND WITH THAT I WILL TURN IT OVER TO GEORGE OSWALD AND WE'LL SPEAK TO SOME OF THE

DRAINAGE ISSUES.

Mayor Wynn: WELCOME, GEORGE.

GEORGE OSWALD, WATERSHED PROTECTION AND REVIEW. FOLLOWING ON WHAT THE ASSISTANT CITY MANAGER HAS STATED WITH RESPECT TO DRAINAGE CONDITIONS IN THE OLDER PORTION OF THE CITY, I'M GOING TO FLESH THOSE ISSUES OUT FOR YOU TO ASSIST YOU IN THE DECISION YOU'LL BE MAKING THIS EVENING. AS ALREADY STATED, THE CITY'S CURRENT DESIGN STANDARDS FOR STORM DRAIN INFRASTRUCTURE WERE ADOPTED IN 1974. SO ANY SUBDIVISIONS THAT PREDATE 1974 WERE DESIGNED UNDER A LOWER LEVEL OF SERVICE. A LOT OF THE CITY WAS DEVELOPED PRIOR TO THAT DATE. THE CITY BEGAN IN 1998 MAINTAINING A DATABASE ON CUSTOMER CALL-INS OF DRAINAGE AND FLOODING PROBLEMS, AND WE HAVE OVER 3400-YARD AND BUILDING FLOODING RELATED TO ININADEQUATE DRAINAGE IN THAT DATABASE. THE INSET PICTURE ON THIS SLIDE IS IN THE ROSE DALE NEIGHBORHOOD. THIS IS THE MIDTOWN AREA. THIS IS 40TH STREET. THIS IS NOT SHOAL CREEK. THIS IS A STORM THAT OCCURRED IN AUGUST 2001. THIS IS TYPICAL OF AN AREA THAT WAS DEVELOPED UNDER THE OLDER DESIGN CRITERIA. A LOT OF THE ROADS BECOME -- BASICALLY BECOME CREEKS DURING A FIVE-YEAR OR GREATER STORM EVENT. WATER OVERFLOWING THE CURB LINES, GOING INTO PEOPLE'S GARAGES AND LIVING AREAS.

Mayor Wynn: HAVE YOU GOT A PROBLEM WITH THAT, GEORGE? [LAUGHTER]

YES, YES, THAT IS A PROBLEM. I GET A LOT OF PHONE CALLS OVER THESE TYPES OF SITUATIONS.

Mayor Wynn: JUST CURIOUS.

BUT I DO HAVE A JOB BECAUSE OF IT. HERE'S THE G.O. CODED LOCATION OF THOSE CALL-INS WE'VE GOTTEN SINCE 1988. AND IF YOU OVERLAY THESE RECORDS ON A MAP OF THE SUBDIVISIONS THAT WERE APPROVED PRIOR -- THE RESIDENTIAL SUBDIVISIONS THAT WERE APPROVED PRIOR TO 1974, THERE IS A VERY STRONG CORRELATION OF THE

LOCATION OF THESE PROBLEM AREAS. SO IT'S BASICALLY A NO BRAINER THAT THIS OLDER INFRASTRUCTURE DOESN'T MEET OUR CURRENT DESIGN STANDARDS. AND WHEN WE HAVE -- WHAT REALLY ARE EXTREME STORM EVENT, ANYTHING IN EXCESS OF ABOUT A FIVE-YEAR STORM EVENT, THESE OLDER DRAINAGE INFRASTRUCTURE SYSTEMS BECOME OVERLOADED AND BECAUSE OF OUR HILLY TERRAIN IT'S VERY EASY FOR THIS WATER TO FIND ITS WAY INTO SOMEBODY'S LIVING SPACE. SO I WANT TO SUMMARIZE THESE DRAINAGE ISSUES FOR YOU. THE CITY'S CURRENT DESIGN STANDARDS WERE ADOPTED IN 1974. STORM DRAINAGE SYSTEMS IN THESE OLDER SUBDIVISIONS APPROVED BEFORE THAT DAY ARE TYPICALLY OPERATING AT NEAR OR BEYOND FLOW CAPACITY. AND SINCE 1988 WE HAVE RECORDED OVER 3400 COMPLAINTS OR CALL-INS FROM OUR CUSTOMERS INDICATING STORM DRAIN DEFICIENCIES AND THESE ARE TYPICALLY LOCATED IN THE OLDER AREAS OF THE CITY. OUR CURRENT STANDARD IS TO MANAGE THE 100 YEAR STORM EVENT IN THE STORM DRAIN SYSTEM, AND THE OLD SYSTEM WAS ABOUT A FIVE-YEAR STORM EVENT. SO WITHOUT IMPLEMENTING MITIGATING MEASURES, ANY INCREASE IN THE OLDER AREA OF THE CITY DESIGNED UNDER THE OLD STANDARDS WILL LIKELY EXACERBATE LOCAL FLOODING CONDITIONS. AS THE ASSISTANT CITY MANAGER MENTIONED, WE DID GO THROUGH A COMPREHENSIVE MASTER PLANNING PROCESS A FEW YEARS AGO. THAT PROCESS IDENTIFIED A TOTAL UNMET NEED OF ABOUT \$800 MILLION IN TERMS OF CAPITAL IMPROVEMENTS. OF THAT TOTAL, ABOUT 200 MILLION IN EXCESS OF 200 MILLION IS STORM DRAIN UPGRADES TO BRING OUR OLDER STORM DRAIN SYSTEMS UP TO CURRENT STANDARDS. CURRENTLY WE ARE PUTTING ABOUT TWO MILLION DOLLARS A YEAR INTO THAT. SO IT'S GOING TO BE A LONG ROAD BEFORE THE CORE OF THE CITIES IN THE OLDER AREA IS UPDATED INTO CURRENT STANDARDS. ANY QUESTIONS?

Mayor Wynn: QUESTIONS, MR. OSWALD. THANK YOU VERY MUCH, GEORGE.

Mayor Wynn: THAT ESSENTIALLY IS STAFF'S PRESENTATION REGARDING THE TECHNICALITIES OF THE INTERIM ORDINANCES BEFORE US AS WELL AS THE DRAINAGE

ISSUES AS OUT OUTLINED BY MR. OSWALD.
COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, AMONG THE MANY SUGGESTIONS WE'VE HAD THIS WEEK IS APPOINTING A TASKFORCE OF FOLKS WITH EXPERTISE AND INTERESTS WHO ARE AFFECTED IN ALL MANNER BY THIS. WE DISCUSSED THIS WITH STAFF THE OTHER DAY. DO WE HAVE SOME RECOMMENDATIONS THIS EVENING ABOUT HOW WE CAN PROVIDE TO APPOINT A TASKFORCE OF FOLKS WHO COULD GET TO WORK HERE IN THE NEXT WEEK OR SO, FOLKS AFFECTED IN ALL MANNER BY THE THIS HERE?

MAYOR AND COUNCIL, ONE THING WE'VE DONE IS RECEIVED PHONE CALLS THROUGHOUT THE WEEK, WE'VE BEGUN TO CREATE A STAKEHOLDER LIST OF BOTH INDIVIDUALS, NEIGHBORHOOD GROUPS AND OTHER INTEREST GROUPS THAT HAVE EXPRESSED EITHER CONCERN FOR OR RESULT OF THIS. SO WE HAVE THE BEGINNINGS OF A LIST OF PEOPLE WHO HAVE EXPRESSED AN INTEREST IN THE LAST WEEK OR SO.

McCracken: I KNOW WE ARE SCHEDULED TO HEAR THIS ITEM AGAIN NEXT WEEK UNDER THE LAWS GOVERNING THESE -- SETTING INTERIM STANDARDS. WILL WE HAVE THE OPPORTUNITY PERHAPS -- CAN WE APPOINT THE TASKFORCE THAT WILL BE MEETING NEXT WEEK OF ALL OF THE FOLKS AFFECTED?

YES. AND WE CAN INCLUDE THAT IN THE POSTING LANGUAGE AND PROVIDE YOU SOME BACKGROUND INFORMATION ON THE GROUPS AND INDIVIDUALS THAT WE'VE RECEIVED AN INTEREST FROM.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: IN ADDITION TO THE STAKEHOLDER GROUP THAT WE WILL FORMALLY APPOINT, I'D LIKE FOR MS. HUFFMAN, FOR YOU TO ALSO COME UP WITH A MEANS OF GETTING TOGETHER THE OTHER STAKEHOLDERS BECAUSE WE CAN'T GET EVERYBODY THAT'S INTERESTED IN THIS ON A TASKFORCE. SO I WOULD THINK AND HOPE THAT WE COULD COME UP WITH SOME WAY TO NOTIFY PEOPLE THAT ARE

INTERESTED SO THAT THEY TOO CAN PARTICIPATE IN ONE OR MORE, SEVERAL STAKEHOLDER MEETINGS SO THAT WE GET ALL OF THE IDEAS THAT ARE FLOATING AROUND OUT THERE THAT MIGHT BE HELPFUL IN GETTING A REALLY GOOD REASONABLE SOLUTION TO THIS PROBLEM.

WE'D BE HAPPY TO DO THAT. WHAT WE'LL DO IS BRING FORWARD A COMMUNICATIONS PROPOSAL AND WE'LL MAKE A RECOMMENDATION ON HOW A STAKEHOLDER PROCESS COULD WORK AND ALSO OTHER IDEAS, INCLUDING WE'LL PUT UP A WEBSITE WITH THE INTERIM REGULATIONS AND DATES OF MEETINGS AND PLAIN ENGLISH EXPLANATIONS OF WHAT SOME OF THESE REGULATIONS MEAN.

Mayor Wynn: COUNCILMEMBER COUNCILMEMBER MCCracken.

McCracken: AND AS PART OF SETTING UP THE WEBSITE TO GET MORE INFORMATION ABOUT THESE INTERIM STANDARDS, I THINK IT WOULD BE HELPFUL IF WE COULD EVEN HAVE A CALCULATOR FUNCTION OR SOMETHING WHERE YOU COULD PLUG IN -- SAY I'VE GOT A 10,000 SQUARE FOOT PIECE OF PROPERTY, WHAT CAN I DO? I HAVE A -- LIKE AN EXAMPLE YOU HAVE A 3200 SQUARE FOOT HOUSE RIGHT NOW AND YOU WANT TO DO A REMODELING, WHAT COULD YOU DO? WITH THAT EXAMPLE YOU COULD DO A 4,000 SQUARE FOOT HOUSE UNDER F.A.R., BUT BECAUSE OF THE THOUSAND FOOT ADDITION BEING LARGER YOU COULD GET A 4200 4200 SQUARE FOOT HOUSE WITH THE REMODEL. I KNOW A LOT OF FOLKS ARE IN THE MODEL OF REMODELLING PROJECTS. I'VE YET TO FIND PROJECTS IN THE REMODELING PROJECTS THAT ARE AFFECTED. IT SEEMS THAT PRIMARILY WHAT WE'RE SEEING IS A LOT OF HOMES BEING TORN DOWN IN NEIGHBORHOODS LIKE BREAKER WOOD AND CLARKSVILLE AND BEING REPLACED BY THREE-STORY GROUP HOMES IN THE NEIGHBORHOODS. THAT SAID, I THINK IT WOULD BE HELPFUL FOR FOLKS IN THE REMODELLING PROJECTS IF WE COULD HELP FOLKS TO ROAD TEST THEIR OWN SITUATION.

WE'LL BE HAPPY TO DO THAT.

McCracken: AND THE FINAL THING I WANTED TO FIND OUT IS

WE KNOW THAT THE FIVE BIGGEST CITIES IN THE STATE OF TEXAS, WE'RE THE FOURTH ONE TO TAKE THIS UP. I THINK IT WOULD BE HELPFUL NEXT WEEK TO LEARN HA WHAT DALLAS AND HOUSTON AND SAN ANTONIO NEAR ALAMO HEIGHTS AND TERRELL HILLS COMMUNITIES, WHAT THOSE THREE CITIES HAVE DONE.

Mayor Wynn: THANK YOU. QUICK ANNOUNCEMENT. FOLKS, WE HAVE SET UP THE BIG TELEVISION SETS IN THE PRESS CONFERENCE ROOM DOWN HERE ON THE FIRST FLOOR. SO IF FOLKS WANT TO SIT DOWN, YOU'RE WELCOME TO GO INTO THE PRESS CONFERENCE ROOM AND HAVE A LITTLE MORE COMFORTABLE SETTING AND THEN THERE'S THE MEETING GOING ON RIGHT NOW IN THE BOARD AND COMMISSION ROOM, AND AS SOON AS THAT FINISHES UP THEN WE'LL ALSO OPEN UP THAT ROOM AND ALL THOSE CHAIRS FOR FOLKS TO SIT AND WATCH THE TELEVISED VERSION OF THIS.

McCracken: MA MAYOR, ONE MORE QUESTION. I KNOW FOLKS HAVE SPECIFIC QUESTIONS. WE'VE HEARD FROM ALL THE GOOD PUBLIC INPUT WE'VE RECEIVED. FOR FOLKS THAT FIND MS. HUFFMAN, THAT THEY DO NOT FIT WITHIN THE INTERIM STANDARDS AND WOULD LIKE A WAIVER, UNDER WHAT WE'RE SETTING FORWARD THIS EVENING, WHAT IS THE PROCEDURE FOR SOMEONE WHO SAYS MAN, I'M ALLOWED TO DO 4,000 AND I'VE GOT A PROPOSAL TO DO 4100 SQUARE FOOT HOME. I THINK IT'S A GREAT DEAL AND I WANT TO BRING IT FORWARD TO A WAIVER. WHAT IS THAT PROCESS FOR FOLKS TO DO THAT?

THE WAY THE ORDINANCE OUTLINES THAT PROCESS IS THAT THEY FILE AN APPLICATION WITH THE DIRECTOR OF THE DEPARTMENT, SO THAT WOULD BE WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT AND THEY OUTLINE THE CRITERIA THAT THEY MEET IN QUALIFYING FOR THE WAIVER. SO, FOR EXAMPLE, A HARDSHIP AS A CRITERIA FOR QUALIFYING FOR A WAIVER. HAVING A GRANDFATHERED DEVELOPMENT RIGHT IS A CRITERIA FOR A WAIVER. SO YOU APPLY WITH THE DIRECTOR OF THE DEPARTMENT AND THOSE WILL COME BEFORE THE FOR APPROVAL.

I KNOW THAT WE HAVE -- IN OUR DIRECTION TO Y'ALL ON

DRAFTING THIS, ASK THAT THIS BE DONE IN LIGHTNING QUICK SPEED BECAUSE FOLKS ARE IN THE MIDDLE OF PROJECTS. CAN YOU TELL US HOW FAST IT WOULD GO FROM BEGINNING TO END TO MEET THE INTERIM STANDARDS TO SUBMIT AN APPLICATION FOR WAIVER AND COME BEFORE COUNCIL? HOW FAST CAN WE MAKE THAT HAPPEN FOR PEOPLE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WE ARE TRYING TO RESPECT PEOPLE'S PROPERTY VALUES AND NEIGHBORS, BUT WE ALSO NEED TO RESPECT PEOPLE'S WORK ON THEIR OWN HOME REMODELS.

MS. HUFFMAN, I SUSPECT A HARDSHIP CAN BE DEFINED AS SOMEBODY WHO HAS -- YOU KNOW, BEGUN A PROJECT, HAS HIRED AN ARCHITECT, PROBABLY SPENT THOUSANDS OF DOLLARS, BUT REALLY AREN'T EVEN CLOSE NECESSARILY TO FILING FOR A BUILDING PERMIT, STILL CHASING DOWN FINANCING OR TALKING TO NEIGHBORS, BANKERS OR SOMEBODY, IN A CASE WHEN SOMEBODY HAS CLEARLY SORT OF BEGUN A PROJECT, SPENT LOTS OF MONEY, THEY CAN COME AND PRESENT THAT TO US, I WOULD ARGUE THAT THAT WOULD QUALIFY FOR A SHARDSHIP TO TAKE UP THE VARIANCE REQUEST.

THOSE ARE THE KINDS OF THINGS THAT WE WOULD EXPECT TO SEE IN THE APPLICATION. WE WOULD ALSO LOOK AT THOSE AND HAVE A STAFF RECOMMENDATION ON THOSE REQUESTS. FURTHER COMMENTS OR QUESTIONS? COUNCILMEMBER KIM?

Kim: THIS ITEM IS GOING TO BE TO PLANNING COMMISSION ON FEBRUARY 14th AN THEY WILL CONSIDER IT AS WELL AND COME BACK TO US WITH A RECOMMENDATION ON THE INTERIM REGULATIONS, IS THAT CORRECT?

YES.

Kim: OKAY. HOW LONG DOES IT TAKE -- I LIKE THE IDEA ABOUT THE CALCULATOR SO PEOPLE CAN SEE IF THEIR PROJECT WOULD BE AFFECTED. I THINK MOST PROJECTS WOULD NOT BE AFFECTED. JUST IN CASE I WANT TO BE SURE, HOW LONGMENT IT TAKE FOR THE CITY TO GET SOMETHING LIKE THAT UP?

I KNOW WE CAN GET THE REGULATIONS UP ON THE WEB IMMEDIATELY. I DON'T KNOW HOW HARD IT IS TO CREATE A WEB CALCULATOR. ASSUMING THAT IT'S RELATIVELY SIMPLE, WE CAN PROBABLY GET THAT UP IN THE NEXT WEEK OR SO. >

OKAY.

IN THE MEANTIME WE HAVE ALREADY PREPARED A TABLE THAT HAS THE LOT SIZE AND FAR CALCULATION, WE HAVE A TABLE WHERE YOU COULD IDENTIFY WHAT YOUR LOT SIZE IS, GO ACROSS THE TABLE, I LIKE THE CALCULATOR IDEA, WE WILL TRY TO PUT THAT UP THERE.

IF THEY DON'T WANT TO USE THAT, IT IS NOT READY YET. THEY CAN CALL THE CITY'S NEIGHBORHOOD PLANNING DEPARTMENT IS THAT RIGHT TO FIND OUT?

YES.

SO JUST BE ONE CALL, IT CAN BEGET AN ANSWER, OKAY, THANKS.

Mayor Wynn: OKAY. AGAIN, IT MIGHT BE SAFER IF YOU WANT TO SIT IN THE BOARD AND COMMISSION ROOM OR THE PRESS CONFERENCE ROOM. COUNCIL WE HAVE 305 CITIZENS SIGNED UP. REPRESENTS ABOUT 8 AND A HALF HOURS OF PUBLIC TESTIMONY AT 3 MINUTES A POP. ACTUALLY LOTS OF FOLKS HAVE DONATED THEIR TIME, THEY ARE NOT GOING TO SPEAK, BUT JUST CALCULATING THE -- THE MINUTES OF THE FOLKS WHO WANT TO SPEAK, IT'S 462 MINUTES FOR THOSE OF YOU ALL KEEPING SCORE. THE FACT THAT WE ARE GOING TO HAVE A CONTINUATION THIS COMING THURSDAY, THERE WILL BE ANOTHER PUBLIC HEARING AS PART OF THE PLANNING COMMISSION PROCESS ON VALENTINE'S DAY, BLESS THEIR HEARTS, AND AS PART OF NEXT WEEK'S DEBATE, I TRUST WE WILL BE PREPARED TO INSTRUCT THE CITY MANAGER TO MOVE FORWARD WITH THE TASK FORCE AND THE STRUCTURE OF A -- OF A WORKING GROUP FORMAT TO GIVE US MORE INPUT.

I WOULD ENTERTAIN A MOTION OR AN IDEA OF ALL -- OF TAKING SOME LIMIT ON TESTIMONY THIS EVENING, PERHAPS

NOT TAKE ALL 462 MINUTES. BUT PERHAPS GIVE FOLKS WHO WANT TO SPEAK IN FAVOR OF THIS IDEA, AMPLE AMOUNT OF BIG BLOCK OF TIME, SAME THING FOR FOLKS IN OPPOSITION TO WHAT WE BELIEVE TO BE THE CASE. AND ESSENTIALLY WE WILL BE CONTINUING THIS DISCUSSION THROUGHOUT THE -- FORMALLY NEXT WEEK AND REALLY THROUGHOUT THE WEEKS AHEAD. THE WILL OF THE COUNCIL, COUNCILMEMBER LEFFINGWELL?

Leffingwell: DID YOU USE YOUR WEBSITE CALCULATOR TO FIGURE THAT 462? [LAUGHTER]

Mayor Wynn: IN FACT MS. BROWN HAS THE PROGRAM IN THERE.

Leffingwell: PRETTY IMPRESSIVE. FOR STARTERS, IN CONSIDERING ALL OF THE FACTORS THAT YOU OUTLINED THAT THERE WILL BE ANOTHER PUBLIC HEARING NEXT WEEK, I WOULD MAKE A MOTION TO LIMIT DEBATE ON EACH SIDE TO ONE HOUR.

Mayor Wynn: SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO WAIVE COUNCIL RULES AND TO LIMIT TESTIMONY TO AN HOUR PER SIDE. THAT IS JUST -- WE WILL JUST SET THE CLOCK AND I KNOW THAT IT'S -- THAT IT NOT EASY BECAUSE NOT -- A LOT OF FOLKS ON BOTH SIDES OF THIS ISSUE AREN'T HERE IN AN ORGANIZED FASHION, BUT MY INSTINCT IS THAT WILL ALLOW FOR MUCH OF THE ISSUES TO BE BROUGHT BEFORE US, WE CONTINUE THIS PUBLIC DEBATE NEXT TUESDAY AT PLANNING COMMISSION, AGAIN NEXT THURSDAY HERE IN THIS ROOM. I WOULD BE SUPPORT I HAVE BEEN OF THAT.

Dunkerly: MAYOR, THOSE WHO ARE SIGNED UP TONIGHT AN DON'T HAVE AN OPPORTUNITY TO SPEAK AND STILL WANT TO HAVE AN OPPORTUNITY, WILL THEY STILL BE ON THE LIST FOR NEXT WEEK.

Mayor Wynn: I WOULD RECOMMEND THAT WE DO THAT. CUSTOMER OVER THE LIST AND BE RESPECTFUL TO HOPELY PEOPLE WHO SPEAK TONIGHT MAY NOT NECESSARILY NEED TO SPEAK NEXT THURSDAY EVEN THOUGH I DO EXPECT THIS DID BE A -- SOMEWHAT EVOLVING ISSUE. ONE OTHER

ANNOUNCEMENT, WE DO HAVE A TRANSLATOR HERE. I'M TOLD THERE'S A HANDFUL OF SPANISH SPEAKERS THAT MAY WANT TO ADDRESS US TONIGHT, WE HAVE A TRANSLATOR AVAILABLE FOR THEM TO DO SO. COUNCILMEMBER MCCRACKEN?

McCracken: AS WELL, I KNOW IN ADDITION TO FOLKS WHO HAVE -- WHO ARE IN THE BUSINESS OF DEVELOPING HOMES WE HAVE INDIVIDUAL HOMEOWNERS HERE WHO MAY HAVE QUESTIONS ABOUT THE PROPOSAL, HOW IT MIGHT AFFECT REDEVELOPMENT, REMODELING PLANS. IS IT POSSIBLE TO PERHAPS HAVE SOMEONE FROM THE ZONING AND PLATTING STAFF WHO COULD SET UP SHOP IN ONE OF THE ROOMS AND IF FOLKS HAVE INFORMATION ABOUT THEIR OWN PROPERTIES THAT THEY CAN GET THAT ANSWERED TONIGHT? AND ALSO WE CAN SET THAT UP AGAIN NEXT WEEK. I GUESS THAT'S KIND OF A STAFFING QUESTION.

IF YOU LET ME SEE WE HAVE A NUMBER OF PEOPLE.

A WOMAN I GO TO CHURCH WITH WAS HERE THIS MORNING, SAYING YOU CAN'T DO THIS, YOU CAN'T DO THIS, YOU ARE GOING TO HURT MY REMODELING PLANS, SHE GAVE ME THE DIMENSIONS OF HER LOT. WE CALCULATED SHE COULD BUILD AN 8,000 SQUARE FOOT HOME. SHE SAYS OH, LORD I DON'T NEED THAT MUCH. I THINK THE OPPORTUNITY TO LEARN WHAT THESE PROPOSALS ARE, HELP PEOPLE UNDERSTAND IF THEY ARE AFFECTED OR NOT THAT MIGHT ANSWER SOME QUESTIONS.

Mayor Wynn: ALSO, AGAIN WITH THE PROPOSAL TO LIMIT TESTIMONY TO AN HOUR A SIDE, KEEP IN MIND THIS HEARING WILL GO WELL BEYOND THAT. WHAT -- WHAT MY INSTINCT WHAT WOULD HAPPEN TONIGHT IS AN HOUR OF TESTIMONY OF FOLKS WHO SUPPORT THIS AND AN HOUR OF TESTIMONY OF FOLKS WHO ARE IN OPPOSITION TO THE IDEA. WHAT THAT WILL LIKELY WILL DO WILL TEE UP A NUMBER OF QUESTIONS THAT THEN THE COUNCIL WILL BE ASKING OF STAFF WILL INTO THE NIGHT. THEN GATING AMONGST EACH OTHER. SO TWO HOURS WORTH OF PUBLIC TESTIMONY. MY INSTINCT IS THAT WILL CREATE A NUMBER OF ADDITIONAL QUESTIONS THAT WE THEN CONTINUE THE

DEBATE INTO THE NIGHT AS WE ADDRESS THOSE.

Kim: BEFORE PEOPLE START SCATTERING TO GET THEIR QUESTIONS, I WANT TO THANK YOU FOR TURNING OUT. YOUR INPUT IS VERY VALUABLE TO US, THANK THE STAFF FOR DOING THE PRESENTATION. I THINK AS YOU'LL HEAR AND AS YOU HAVE HEARD FROM THE STAFF, IT'S A -- THEY ARE JUST INTERIM REGULATIONS, AGAIN DOING A PUBLIC HEARING AGAIN AS WELL AS THROUGH THE PLANNING COMMISSION TO HAVE THEIR OWN PUBLIC HEARING, BUT WE ARE TAKING YOUR INPUT AND AS A RESULT WE'VE HAD CHANGES TO THE REGULATIONS, SO IT IS VALUE DWRABL VALUABLE AND I APPRECIATE YOUR FEEDBACK. THANKS.

Mayor Wynn: AGAIN A MOTION AND A SECOND ON THE TABLE TO WAIVE COUNCIL RULES, TO LIMIT TESTIMONY TO -- TO AN HOUR PER SIDE THIS FIRST GO AROUND CONTINUING THE PUBLIC HEARING NEXT THURSDAY AND REMEMBERING AND RECOGNIZING THAT THERE IS A PUBLIC HEARING AS INDIVIDUAL PUBLIC HEARING WILL BE SET FOR TUESDAY AT THE PLANNING COMMISSION AND NOTE THAT THERE WILL BE CONTINUED DEBATE AND EVOLUTION OF THIS -- OF THIS PROPOSED INTERIM ORDINANCE AND ULTIMATELY THE -- THE FORMULATION OF A -- OF A PERMIT PERMANENT ORDINANCE OVER THESE COMING WEEKS. FURTHER COMMENTS ON THE MOTION TO WAVE COUNCIL RULES? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. SO JUST THE WAY FOLKS SIGNED UP HERE AND APPRECIATE EVERYBODY'S PATIENCE AND COOPERATION ON THIS, A NUMBER OF THE EARLY FOLKS WHO SIGNED UP ARE IN OPPOSITION AND SO WITHOUT OBJECTION, WE WILL JUST START IN -- THE SYSTEM IS USUALLY PRETTY GOOD, TELLS ME THE -- EITHER FOR OR AGAINST. A NUMBER OF PEOPLE HAVE -- HAVE -- HAVE YOU KNOW FALLEN OUR OLD RULES AND HAVE FOLKS DONATED TIME, SO THERE'S A NUMBER OF PEOPLE SIGNED UP AGAINST WHO HAVE -- HAVE OTHER PEOPLE DONATING TIME TO THEM AS MUCH AS 12 ADDITIONAL MINUTES. SO WITHOUT OBJECTION, WE WILL

START WITH FOLKS WHO WANT TO TESTIFY IN OPPOSITION. AND I KNOW THERE'S ACTUALLY A COUPLE OF WELL ORGANIZED GROUPS IN OPPOSITION AND START OUR TESTIMONY. WITH AN HOUR TESTIMONY ON EAST SIDE IT'S LIKELY GOING TO CREATE A NUMBER OF QUESTIONS, WE'LL BE TAKING DOWN NOTES AND THEN WE WILL START TO ASK STAFF AND EACH OTHER THOSE QUESTIONS AFTER WE HAVE THE TWO HOURS WORTH OF TESTIMONY. SO -- SO OUR FIRST SPEAKER WHO SIGNED UP IN OPPOSITION IS MR. TERRY MITCHELL AND A NUMBER OF FOLKS WERE GOING TO DONATE TIME TO MR. MITCHELL. AGAIN WITH THESE DIFFERENT RULES, TERRY, RECOGNIZE THAT THERE'S A BUNCH OF OTHER FOLKS HERE IN OPPOSITION WHO WOULD LIKE TO GIVE US SOME TESTIMONY. BUT MANY OF US KNOW AND KNOW YOUR -- YOUR EXPERTISE IN SUCH MATTERS SO - - SO AGAIN THE RULES WILL BE WE WILL SET THE CLOCK AT AN HOUR, SPEAK AS LONG AS YOU WANT, YIELD YOUR TIME TO SOMEBODY ELSE WHO WANTS TO STEP UP AND -- AND CONTINUE TESTIMONY.

MAYOR AND COUNCILMEMBERS --

BEFORE YOU GET STARTED TERRY, I'M TOLD THAT STAFF DEVELOPMENT REVIEW STAFF IS OUT IN THE LOBBY TO ANSWER QUESTIONS AND SO TO THE EXTENT THAT YOU HAVE A SPECIFIC PROJECT OR CASE, WHICH I KNOW MANY OF YOU ALL DO, YOU ARE WELCOME TO WALK OUT AND -- AND ASK STAFF SOME QUESTIONS AND THEY WILL DO THEIR BEST TO ANSWER THEM ON THE SPOT, CERTAINLY TRY TO GET BACK TO YOU AS QUICKLY AS POSSIBLE. SO -- SO MARK SET THE CLOCK FOR AN HOUR, WELCOME MR. TERRY MITCHELL. >

MAYOR AN COUNCIL, MY NAME IS TERRY MITCHELL. I'M IN THE REAL ESTATE BUSINESS, BY TRADE. MOSTLY IN SINGLE FAMILY DEVELOPMENT AND IN OTHER AREAS, BUT MY -- I ALSO LIVE IN AN OLD AUSTIN NEIGHBORHOOD IN THE TERRY TOWN AREA. THE DISCUSSION THAT WENT ON EARLIER I WANT TO THANK THE COUNCIL FOR BECAUSE IT WAS VERY INFORMATIVE. I THINK PROBABLY THE OVERRIDING GOAL THAT WE ALL OUGHT TO HAVE, WHICH I WANT TO FOLLOW IS WHAT'S BEST FOR OUR CITY AND THERE ARE COMPETING CONCERNS HERE THAT WE BOTH I THINKORSWIM.COM

ABOUT AND THE FIRST REACTION FROM THOSE OF US WATCHING SOME OF THIS GO ON IS OH, MY GOSH THIS IS -- IT'S NOT A -- THIS IS NOT A MONETARY DECISION, IT HAS MORE TO DO FROM MY PERSPECTIVE IS I BELIEVE IN -- IN THE PLAN THAT OUR CITIZENS HAVE PUT TOGETHER, INCLUDING THE -- WITH THE ENVISION CENTRAL TEXAS PLAN, WHICH IS A COMPACT CITY AND COMPACT CITY DOES - - DOES RESULT IN A CERTAIN AMOUNT OF DENSITY AND QUITE FRANKLY A REDEVELOPMENT SO IN MANY RESPECTS THIS IS GOOD FOR OUR CITY. I THINK THERE'S BEEN LETTERS AND STUFF SENT TO YOU THAT INCREASES OUR TAX BASE, IT REUSES INFRASTRUCTURE, I APPRECIATE THE DISCUSSION ABOUT DRAINAGE. VERY, VERY HELPFUL. I THINK FROM OUR STANDPOINT AND I WOULD USE MY WIFE AS A GREAT EXAMPLE, WE WALK QUITE OFTEN WITH OUR CHILDREN THROUGH THE NEIGHBORHOODS AND WE LOVE LOOKING AT THE HOUSES, I LIVE IN THE TARRYTOWN AREA. YOU KNOW USUALLY WE WILL -- WE LIKE THAT WOW ISN'T THAT NICE WHAT THEY HAVE DONE, REALLY CREATIVE. THEN YOU GO WHERE THE HECK DID THAT COME FROM, YOU KNOW,, SOMEBODY PLUNKED IT OUT OF SOMEPLACE STUCK IT HERE, HENCE THE TERM McMANSION. SO I -- I VERY MUCH UNDERSTAND THE ISSUE AND QUITE FRANKLY AGREE WITH IT. I THINK THAT THE VIOLATIONS THAT WE SEE ARE THOSE THINGS THAT -- THAT ARE INHERENTLY NOT -- NOT CONTINUING THE CHARACTER OF THE NEIGHBORHOOD, THE MASSING OF A CONTEXT IN WHICH THEY ARE DONE IS INAPPROPRIATE, THE DESIGN IS INAPPROPRIATE, I JUST DROVE THROUGH MY NEIGHBORHOOD YESTERDAY AND TOOK PICTURES OF HOUSES THAT HAVE BEEN REBUILT OVER THE LAST 15 YEARS OR SO. IN 45 MINUTES I TOOK A PICTURE OF 77 HOUSES AND I COULD HAVE TAKEN A LOT MORE. IT HAPPENS WITH A LOT OF REGULARITY. AND IN READING BOOKS ABOUT COMPACT DEVELOPMENT THAT'S A FAIRLY NORMAL PART OF THE PROCESS AS THE CITY MOVES IN, AS TRANSPORTATION ARTERIALS GET CLOGGED, PEOPLE START SAYING I'M GOING TO GIVE UP SPACE TO BE IN CHOSE TO MY CITY, TO BE IN CLOSE TO THE SERVICES THAT I DESIRE, THOSE SORTS OF THINGS. SO I DON'T WANT TO LOSE SIGHT OF THOSE OBJECTIVES AT ALL. I VERY MUCH APPRECIATE I THINK TODAY SOME OF THE STEPS THAT THE STAFF HAS MADE AND THE COUNCIL IN TERMS OF ALLOWING

IT TO BE SOME FLEXIBILITY IN THE ADJUSTMENTS AND DIRECTION OF THE ORDINANCE. I THINK IT'S GOING A LONG WAY TOWARDS HELPING THIS PROCESS. MY PERSONAL OPINION, I THINK WE ARE GETTING CLOSE AND IN A LOT OF RESPECTS. MY PERSONAL OPINION IS I WOULD RATHER HAVE SOMETHING AT A .45 FAR THAT'S NICE LOOKING THAN SOMETHING THAT'S A .4 FAR AND A BIG SQUARE BOX WITH TWO WINDOWS. I MEAN I JUST -- THAT'S NOT THE CHARACTER OF THE NEIGHBORHOODS THAT WE CALL AUSTIN AND SO I ENCOURAGE YOU TO -- I DON'T WANT TO OPEN UP A CAN OF WORMS, I'M NOT SAYING THAT. BUT I UNDERSTAND IT'S REALLY QUALITY SOME OF THE PICTURES THAT I -- THAT YOU WILL SEE IN HERE, SOME OF THESE HOMES ARE VERY LARGE, FIVE AND 6,000 SQUARE FEET. PEOPLE HAVE TAKEN HOUSES AND REDONE THEM IN DIFFERENT WAYS, THEY HAVE FOLLOWED TEXAS FARMHOUSE STYLES, THEY FOLLOWED STUFF THAT I LOVE THE CREATIVITY THAT AUSTIN SEEMS TO CREATE AND BRING IN. SO I -- I DON'T WANT TO STIFLE THAT AT ALL. I ALSO WANT TO SAY, THIS IS JUST PERSONAL EXPERIENCE WITH THREE ELDERLY FAMILIES IN MY NEIGHBORHOOD, ALL OF THEM GREATLY RELY ON THE EQUITY IN THEIR HOMES, PLEASE CONSIDER THAT. WHETHER -- ONE MEDICAL REASONS, ONE TO SUPPLEMENT THEIR RETIREMENT LIFESTYLE THE OTHER ONE NEEDED THE MONEY TO FRANKLY EAT AND JUST BEING ABLE TO REALIZE UPON THEIR EQUITY LITERALLY CHANGED THEIR LIFE. PLEASE KEEP THAT INTO ACCOUNT. WHEN YOU START TALKING ABOUT THE .4 FARES, THAT THE -- FAR'S, THAT'S THE FIRST TIME THAT I HAVE SEEN THE DEFINITIONS, TAKE INTO ACCOUNT PORCHES. ONE OF THE UNIQUE FEATURES OF THE AUSTIN AREA, IF YOU SEE A HOUSE THAT'S 60, 70, 80 YEARS OLD, 90% OF THEM HAVE MEANINGFUL, USABLE PORCHES, PART OF OUR CHARACTER OF OUR NEIGHBORHOODS. IN THE FAR OR OUT OF THE FAR OR NOT, JUST CONSIDER IT BECAUSE IF IT'S IN THAT, YOU ARE GOING TO GET A BUNCH OF HOUSES WITHOUT PORCHES BECAUSE THEY DON'T CREATE THE SAME VALUE. AND I DON'T THINK WE WANT TO PUSH THE DESIGN AND START CHANGE BEING THE CHARACTER. THE OTHER THING IN TERMS OF DRAINAGE PROBLEMS OF WHICH I WAS NOT AWARE, I WOULD -- I WOULD THINK THAT YOU MIGHT MAYBE YOU WANT TO

CONSIDER SOME SORT OF -- OF INCENTIVE FOR A MODEST INCREASE IF THEY ARE SOLVING THEIR OWN DRAINAGE PROBLEMS. THE RAIN WATER COLLECTION OR AN ONSITE I HAVE SEEN BELOW GROUND DRAINAGE SYSTEMS, DRAINAGE PROBLEM LIKE THAT THAT'S \$800 MILLION IS A BIG ISSUE. WE ARE GOING TO PAY FOR IT ONE WAY OR THE OTHER, WE MIGHT AS WELL NOT CONTRIBUTE TO THE PROBLEM. CONSIDER SOME INCENTIVES. MOST OF THE HOUSES THAT HAVE BEEN BUILT IN MY AREA, MY IMMEDIATE AREA, PEOPLE HAVE GONE AROUND AND TALKED TO THEIR NEIGHBORS AND SAID I'M THINKING ABOUT BUILDING A HOUSE, I'M GOING TO BE YOUR NEIGHBOR, I WANT TO GET ALONG WITH YOU, WHAT DO YOU THINK OF THIS? GENERALLY SPEAKING YOU GET A -- YOU GO A LONG WAY TO SOLVING ALL OF THOSE ISSUES. I WOULD ENCOURAGE SOME SORT OF COLLABORATIVE PROCESS. WAIVERS BASED ON THE NEIGHBOR'S CONSENT. BY AND LARGE I APPLAUD YOU FOR LISTENING TO THOSE OF US THAT HAD INITIAL CONCERNS. I WAS VERY CONCERNED ABOUT THE LOSS IN TAX BASE AND VERY CONCERNED ABOUT EQUITY FOR THE ELDERLY FOLKS. IF WE STOP THE REDEVELOPMENT, WE STOP IMPLEMENTING PORTIONS OF THE ENVISION CENTRAL TEXAS PLAN, IT'S GOING REQUIRE A CHANGE, IT IS DIFFERENT, IT'S HARD. BUT IF WE DO BELIEVE IN A COMPACT CITY, WE ARE GOING TO HAVE TO WORK TOWARD THAT.

THANK YOU VERY MUCH. [APPLAUSE]

OWE THOUGHT MR. MITCHELL HAD A GREAT COMMENT ABOUT PORCHES. I KNOW AT LEAST IT'S NOT MY INTENTION THAT PORCHES BE INCLUDED. I THINK THAT'S A REAL GOOD POINT. DO WE HAVE GUIDANCE ON WHAT THE DRAFT IS? THAT WOULD -- ABOUT WHICH PORCHES ARE INCLUDED? WHETHER PORCHES ARE INCLUDED? ANYBODY -- EVERYBODY IS OUT THERE ANSWERING QUESTIONS. WE HAVE TIME BEFORE THE EVENING'S OUT, I THINK THAT'S AN EXCELLENT POINT. I WANT TO MAKE SURE THAT WE ARE NOT INCLUDING THAT IN THERE.

I WILL POINT OUT THAT ONE OF THE WAIVERS THAT CAN BE APPLIED FOR IS IF THE PLIPGHT IS PROPOSING TO MITIGATE THE EFFECT OF REDEVELOPMENT AND TERRY I THINK THAT WAS YOUR SECOND POINT. IF YOU ARE DOING SOME ON

SITE MITIGATION COULD YOU GET A WAIVER.

Gurnsey: DEPENDS ON THE PORCH IF IT'S ACTUALLY ENCLOSED OR OPEN PORCH. WITH IF YOU ARE TALKING ABOUT ENCLOSED IT WOULD BE INCLUDED IN THAT AREA. IF IT WAS NOT, AN OPEN PORCH, THEN IT WOULD NOT BE COUNTED AGAINST YOU. STAFF CAN TAKE A LOOK AT THAT. WHETHER PORCHES COULD BE EXCLUDED FROM THAT CALCULATION.

Mayor Wynn: THANK YOU. BY THE WAY I PAUSED THE CLOCK EARLIER IN THOSE IN OPPOSITION. MR. MITCHELL USE UP ABOUT SIX MINUTES. IF YOU DON'T MIND COUNCIL I'M GOING TO CALL UP A COUPLE OF PEOPLE WHO OBVIOUSLY HAVE ORGANIZED THOUGHTS THEN WE WILL LET FOLKS WHO WANT TO SPEAK FOR THE REMAINDER OF THE HOUR. RANDY. I SAW HIM. EARLIER. PERHAPS HE HAS LEFT. SIGNED UP IN OPPOSITION, HAD A BUNCH OF FOLKS DONATING TIME TO HIM. I WILL GIVE UP ON THIS. WHY DON'T FOLKS IN OPPOSITION THIS THIS, ALLOCATED AN HOUR, 50 MORE MINUTES TO GO, FOLKS WITH ORGANIZED THOUGHTS OR CONCERNS YOU CAN COME FORWARD AND BEGIN TESTIFYING. DON'T BE SHY. JUST PLEASE STATE YOUR NAME INTO THE RECORD. AND DO YOUR BEST TO LIMIT YOUR COMMENTS JUST TO BE RESPECTFUL OF OTHER PEOPLE'S 'S TIME WHO WANTS TO SPEAK. CAN HE CAN LINE UP AT TWO PODIUMS IF YOU LIKE. KNOCK IT OUT. WELCOME, SIR.

ANYBODY? YOU FIRST.

GOOD EVENING, MY NAME IS ROBERT [INDISCERNIBLE] I'M A MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS, I'M AN ARCHITECT AND I'M A HOME OWNER IN HYDE PARK. FIRST OF ALL, AS REPRESENTATIVE OF THE AIA, I APPLAUD COUNCIL'S EFFORTS TO IMPROVE THE QUALITY OF LIFE THROUGH PRESERVATION AND QUALITY OF URBAN DESIGN AND AIA WANTS TO PARTICIPATE IN THAT, OFFER THEIR EXPERTISE. MY OBSERVATIONS THAT I WANT TO SHARE ARE AS AN ARCHITECT AND HOME OWNER, I BROUGHT WITH ME A LOW TECH POWERPOINT THAT I HOPE WE CAN PUT UP. TODAY I WASN'T REALLY GIVEN ANY CONTACT ABOUT THIS ORDINANCE UNTIL, ME VERBAL CONTACT UNTIL FRIDAY. A WEEK AGO TOMORROW. AND WE DIDN'T HAVE A DRAFT OF

THIS ORDINANCE UNTIL YESTERDAY. SO IT'S REALLY HARD FOR US TO -- TO RESPOND AS A GROUP. I THINK THAT A MORATORIUM IS A PRETTY SERIOUS ISSUE TO CONSIDER THAT AFFECTS A LOT OF OUR MEMBERS, IT NEEDS TO -- TO HAVE -- YOU NEED TO HAVE A SUBSTANTIAL THRESHOLD, EVIDENCE OF A CERTAIN ACTIVITY THAT RESULTS IN DIRECT CONSEQUENCES. TO INSTITUTE A MORATORIUM. SERVICE OUR DRAFT YESTERDAY WAS OUR FIRST INDICATION THAT THIS PROPOSAL ORDINANCE WAS IN RESPONSE TO THE STORM DRAINAGE CONCERNS. THE PROBLEM I SAW IS THAT -- THAT IN THE PROPOSAL AND PRESENTATIONS FROM STAFF TONIGHT I DIDN'T SEE ANY CORRELATION GIVEN BETWEEN STORM DRAINAGE AND THE LIMITATIONS THAT ARE PROPOSED. I THINK WE -- AS AN ARCHITECT I KNOW THAT IF YOU WANT TO LIMIT THE AMOUNT OF DRAINAGE COMING OFF YOUR LOT, WHAT YOU NEED TO DO IS LIMIT THE IMPERVIOUS COVER OR THE FOOTPRINT OF THE HOUSE. WHAT YOU CAN SEE IN MY HOUSE -- MY HOUSE IS 1100 SQUARE FEET. IT'S ON A LOT THAT'S 50 BY 150 THAT'S PRETTY TYPICAL HYDE PARK LOT. THIS IS THE SAME HOUSE, REDEVELOPED, DOUBLED IN SQUARE FOOTAGE THAT'S TWICE THE SIZE AND HAS NO IMPACT ON THE IMPERVIOUS COVER BECAUSE THERE'S NO GREATER FOOTPRINT. YOU COULD ALSO DOUBLE THE SQUARE FOOTAGE OF MY HOUSE BY EXTENDING IT ON ONE STORY. EFFECTIVELY I HAVE DOUBLED THE AMOUNT OF CONTRIBUTION TO THE STORM DRAINAGE BY DOUBLING THE IMPERVIOUS COVER ON MY LOT. I CAN DO EITHER OF THESE UNDER THE RESTRICTIONS BUT I WANTED TO ILLUSTRATE THE CONTRIBUTION TO STORM DRAINAGE. I THINK THE STRUCTURES -- EXAMINATION OF STRUCTURES OUT OF SCALE WITH THE NEIGHBORHOOD IS APPROPRIATE. BUT I THINK IN SUMMARY THAT WE HAVE TO CONNECT THE CAUSE OF DRAINAGE PROBLEMS WITH THE SQUARE FOOTAGE -- WITH THE SF SINGLE FAMILY BUILDING PRODUCT. MAKE A CLEAR CORRELATION BETWEEN THOSE BUILDINGS AND CAUSE OF PROBLEM AND ALSO SHOW THAT THE PROPOSED RESTRICTIONS WILL ACTUALLY REDUCE THE -- THE LOAD, ADDITIONAL LOAD ON STORM DRAINAGE. WE LOOK FORWARD TO WORKING WITH THE COUNCIL ON OTHER MATTERS THAT WILL AFFECT INCREASING THE DENSITY OF

THE CENTRAL CITY. THANK YOU.

Mayor Wynn: THANK YOU, SIR, THE AIA WILL BE AN IMPORTANT STAKEHOLDER TO WORK THROUGH THIS, WELCOME, SIR.

MAYOR -- [APPLAUSE] -- MAYOR, COUNCILMEMBERS, I'M ROBERT NASH. I MOVED TO AUSTIN 34 YEARS AGO WHEN I WAS FOUR YEARS OLD. I GREW UP IN HYDE PARK IN THE 70s AND THEN CLARKSVILLE IN THE 80s. SEEN A LOT OF CHANGES IN THOSE YEARS, SOME OF IT GOOD, SOME OF IT KIND OF REGRETTABLE. I WANT TO START BY SHARING SOME PICTURES. COUNCILMEMBER MCCrackEN HAD LOTS OF GREAT PICTURES OF REALLY, REALLY UGLY HOUSES. AND I THINK THEY ARE JUST AN EYESORE AND THEY KIND OF, YOU KNOW, TURNED MY STOMACH JUST AS MUCH AS EVERYBODY ELSE. I WANT TO SHOW YOU SOME OTHER HOUSES. THIS HOUSE IS NORTH OF 45th, I DON'T KNOW WHO BUILT IT. IF YOU LOOK AT THE ROOF LINE CAREFULLY YOU WILL NOTICE IT'S A VERY, VERY LARGE HOUSE. IT HAS A PROFILE ON THE FRONT OF NOT BEING SUCH A LARGE HOUSE, BUT IT'S A VERY BIG HOUSE AND AS MUCH REAL ESTATE AS I HAVE DONE OVER THE PAST 10 YEARS, I WOULD SAY EASILY OVER 23, 2500 SQUARE FEET. OBVIOUSLY WHOEVER BUILT IT TRIED TO EMBRACE THE LOOK AND FEEL OF THE HYDE PARK AREA. NEXT PICTURE. HERE'S ANOTHER ONE. THAT'S AN ENORMOUS HOUSE, WELL OVER 2500 FEET. NEARLY BRAND NEW, IT'S NORTH OF 45th CLOSE TO WHERE THE FLIGHT PATH USED TO BE. IT LOOKS LIKE IT BELONGS IN THE NEIGHBORHOOD. BUT IT WOULD PROBABLY BE ILLEGAL UNDER THIS ORDINANCE. NEXT. THIS HOUSE IS INTERESTING. A FRIEND OF MINE BOUGHT THIS HOUSE IN 1976 BEFORE JIMMY CARTER WAS SWORN IN. AND HE LIVED THERE ALL THESE YEARS HOPING TO ADD A SECOND STORY. ABOUT THREE YEARS GO HE DID SO. THAT HOUSE IS 3400 SQUARE FEET. IT'S BIGGER THAN WHAT WAS THERE, IT WAS A STREET WITH A BUNCH OF ONE STORY HOUSES. GRADUALLY MORE AND MORE OF -- HOUSES LIKE THIS ARE DOING THE SAME THING IN PEMBERTON. IT'S AN EVOLUTION OF WHAT WAS THERE, BUT CONSISTENT WITH THE ALTHOUGH AND FEEL OF PEMBERTON ELSEWHERE. IT WOULD BE ILLEGAL IF I WANTED TO BUY A ONE STORY AND DO IT AND DIDN'T HAVE THE THREE YEAR HOMESTEAD. NEXT

SLIDE. THIS IS WHAT I'M REALLY, REALLY CONCERNED ABOUT. I'M A BIG FAN OF URBAN DENSITY. THIS IS A DUPLEX IN CLARKSVILLE BUILT BY PLUS SKIN AND COMPANY -- MUSKIN AND COMPANY. MOST PEOPLE I KNOW IN CLARKSVILLE REALLY LIKE THIS. IT GENTLY INCREASES DENSITY AND CREATES WHAT CAN ONLY BE DESCRIBED AS A DUPLEX TOWNHOUSE. COMPLETELY LEGAL. YOU CAN DO THIS ON A 7,000 SQUARE FOOT LOT THAT'S BIG ENOUGH TO BUILD A DUPLEX. EACH SIDE IS 2,000 SQUARE FEET. THE BUILDING IS 4,000 SQUARE FEET. WHAT THAT DOES IS IT GIVES EACH SIDE, YOU KNOW, A DECENT SUBSTANTIAL 3,000 -- 2,000 SQUARE FOOT LIVING QUARTERS. THEY ACTUALLY HAVE REAL SIGNIFICANT GARDENS. IT'S CONSISTENT WITH WHAT I THOUGHT THE CITY WANTED TO DO IN TERM OF FILLING IN IN THE INNER CITY IN A SENSIBLE WAY. THAT WILL BE COMPLETELY ILLEGAL AS OF TONIGHT OR TOMORROW WHENEVER THIS GOES INTO EFFECT. NEXT SLIDE. HERE'S ANOTHER EXAMPLE. THIS IS ON 12th STREET. ON [INDISCERNIBLE] AND 12th. DUPLEX TOWNHOUSE. A LOT OF ARCHITECTAL DETAILS REALLY FIT THE NEIGHBORHOOD. YOU CAN LOOK AT SOME -- THEY REALLY HAVE GONE TO A LITTLE BIT OF TROUBLE TO DO A LOT. ONE DETAIL THAT EXPOSED TAPERED RAFTER TAILS. NOT JUST LIKE SUBURBAN THING THAT YOU SEE EVERY DAY. THAT'S ALL OF THE PICTURES. OVER THE PAST DECADE, I HAVE INVESTED IN REAL ESTATE REMODELING OLD HOMES, BUILDING A NEW YEAR'S ONES ALWAYS TRYING TO SUPPORT NEIGHBORHOOD CHARACTER. A COUPLE OF DIFFERENT INSTANCES A WHILE BACK I HAD TO COME TO THE PLANNING COMMISSION AN THE BOARD OF ADJUSTMENT. HOW MANY TIMES DO YOU SEE SOMEONE COME TO THE PLANNING COMMISSION AND THE BOARD OF ADJUSTMENT AND HAVE ABSOLUTELY NO ONE IN OPPOSITION BUT 25 NEIGHBORS WHO TOOK TIME OUT OF THEIR EVENINGS TO COME SUPPORT WHAT SOMEONE WAS DOING. THAT'S HAPPENED FOR ME, OKAY? THERE ARE SOME SMALL PEOPLE WHO ARE TRYING TO DO THE RIGHT THING. WE ARE NOT ONLY OBEYING ALL OF THE LAWS, PLAYING BY THE RULES BUT BENDING OVER BACKWARDS TO SUPPORT NEIGHBORHOOD CHARACTER AND FULFILL THE DREAM OF INCREASING DENSITY AND IN A GENTLE WAY IN THE INNER CITY TO HAVE A WALKABLE TRANSIT FRIENDLY AUSTIN. WHILE AT THE

SAME TIME SUPPORTING OUR OLD NEIGHBORHOODS. THIS MORATORIUM THROWS THE BABY OUT WITH THE BATH WATER. I SHARE YOUR PASSION ABOUT THE UGLY THINGS HAPPENING. WHAT I JUST SHOWED YOU I THINK ARE NICE PICTURES, A GOOD VISION OF WHAT SHOULD HAPPEN IN CENTRAL AUSTIN IN THE FUTURE. THIS MORATORIUM PULLS THE LEGS RIGHT OUT FROM UNDER ANYONE WHO IS TRYING TO DO THAT. I WOULD REALLY URGE YOU TO THINK ABOUT AND I ALSO JUST QUESTION WHAT IS WITH THE RUSH? THERE WAS NO SIGNIFICANT PUBLIC NOTIFICATION. THERE MAY HAVE BEEN THE -- THE LEGALLY REQUIRED POSTING OF -- OF THIS MEETING, BUT THERE WASN'T A PRESS CONFERENCE. I DIDN'T REMEMBER SEEING ANY OF THE COUNCILMEMBERS GOING ON MORNING TALK SHOWS AND ALL OF THE TV STATIONS SAYING HEY GUESS WHAT, WE ARE ABOUT TO MAKE A BIG CHANGE, THE PUBLIC WANTS TO KNOW WHAT'S GOING ON, COME DOWN AND PARTICIPATE. I DON'T UNDERSTAND WHY THIS -- WHY THIS HAPPENED THIS WAY. AND I GUESS, YOU KNOW, THE BOTTOM LINE IS IT'S NOT REALLY FAIR TO CHANGE THE RULES IN THE MIDDLE OF THE GAME. IT'S PEOPLE'S -- I THINK THAT I'M DOING ABOUT THREE PROJECTS THAT ARE VERY SIMILAR TO THE DUPLEXES THAT I SHOWED YOU. I HAVE APPLIED FOR MY PERMIT. SO HOPEFULLY I'M OKAY, I HAVE DODGED THIS PARTICULAR BULLET. BUT I'LL TELL YOU WHAT, IT TOOK ME ABOUT EIGHT MONTHS TO GET TO THE PLACE WHERE I WAS READY TO APPLY FOR A PERMIT. BEFORE I COULD EVER APPLY FOR THE PERMIT I HAD TO HUNT AND HUNT AND HUNT AND FIND THE RIGHT LOT. I HAD TO DO A BUNCH OF RESEARCH TO FIND OUT WHAT COULD LEGALLY BE DONE ON THAT LOT UNDER THE CURRENT RULES. YOU KNOW HAD TO FIND THE CASH TO BUY THE LOT, NEGOTIATE WITH THE BANK TO GET THE FUNDING AND MY INVESTORS TO LINE UP THE MONEY TO BUILD THE DUPLEX TOWN HOUSES. THERE ARE SOME PEOPLE WHO DO THIS BECAUSE THEY ARE PASSIONATE ABOUT NEIGHBORHOODS, PASSIONATE ABOUT ARCHITECTURE, PASSIONATE ABOUT THE BUILDING PROCESS. AND I THINK THAT WHAT'S HAPPENING WITH THIS MORATORIUM IS THAT YOU ARE BASICALLY CLUBBING EVERYONE OVER THE HEAD WITH THE TWO-BY-FOUR, YOU KNOW, WITH THE SAME FIGURE REGARDLESS OF WHETHER OR NOT THEY HAVE DONE THE RIGHT THING. SO JUST

REALLY URGE YOU TO CONSIDER THE IMPACT OF WHAT YOU ARE ABOUT TO PASS. THE OTHER MOST IMPORTANT THING I THINK THAT YOU HAVE TO REALIZE IS THAT LAND VALUE IS TRIF CONVENIENT BY LAND USE. DRIVEN. I WOULD LIKE TO SAY A LITTLE TINY PIECE OF LAND YOU CAN BUILD FROST BANK ON IS A WHOLE LOT MORE THAN THAT SAME PIECE OF LAND YOU CAN ONLY GRAZE COWS ON. SAME THING WITH RESIDENTIAL REAL ESTATE. IF SOMEONE CAN BUILD WHAT I HAVE JUST SHOWN YOU RIGHT NOW WITH 7,000 FEET IN SF 3 IN INNER CITY AUSTIN, TWO SUBSTANTIAL SORT OF URBAN DUPLEX TOWN HOMES, THEY CAN DO THAT TODAY LEGALLY, TOMORROW THEY CAN'T. THELTD BE WELL WITHIN THEIR RIGHTS TO MARCH DOWN TO THE TAX OFFICE SAY GUESS WHAT I WANT MY TAX EVALUATION LOWERED BY ABOUT 200 TO A QUARTER MILLION. 200,000 TO A QUARTER MILLION. WHO DOES THAT DO TO THE TACK REVENUE TO THE CITY, COUNTY, SCHOOLS, THERE'S SO MUCH THAT HASN'T BEEN THOUGHT THROUGH. I CAN'T TELL YOU HOW MUCH I COMPLETELY AGREE WITH THE INTENT BEHIND WHAT'S GOING ON. SOME OF THE McMANSIONS AND OTHER THINGS THAT HAVE BEEN BUILT ARE ABSOLUTELY ABHORENT. WE NEED TO FIGURE A WAY TO DEAL WITH IT. BUT THE WAY TO HAVE IT IS BUILDERS, NEIGHBORHOOD GROUPS, ARCHITECTS, MAYBE EXPERTS WHO DEALT WITH THIS TO SIT DOWN AND HAMMER OUT A REAL SOLUTION AND GIVE PEOPLE A LITTLE BIT OF WARNING, THANKS SO MUCH. [APPLAUSE]

WELL DONE MR. NASH, THANK YOU FOR THE VISUALS, WELCOME, STATE YOUR NAME FOR THE RECORD.

THAT'S A HARD ACT TO FOLLOW FOR CERTAIN. I'M CAMERON RAN RANDOLPH. A 25 YEAR AUSTIN RESIDENT. I'M HERE LARGELY I GUESS TO BUILD ON THAT PARTICULAR CONVERSATION WHICH IS ESSENTIALLY A CONVERSATION ABOUT RATIONAL DECISION MAKING. I APPRECIATED THE CONVERSATION THAT WAS HAD EARLIER BY STAFF THAT I CERTAINLY GIVEN SOME CONSIDERATION TO -- TO THE CONTRIBUTION OF PERVIOUS COVER AND BUILDING AND FLOODING AND STORM SEWER CAPACITY. THERE'S SOME HOME WORK DONE ON THAT WHICH IS CERTAINLY APPRECIATED. IT'S THE OTHER SIDE OF THE COIN THAT BACK TO THE WHAT'S THE RUSH, IT'S THAT CONVERSATION. I

GUESS IF I COULD ASK YOU A QUESTION JUST TO CLARIFICATION, YOU SAID TWO OURS ON THIS TONIGHT, ONE FOR PRO, ONE FOR THE CON. WAS IT YOUR INTENTION TO STILL TAKE A VOTE ON THIS MORATORIUM OR WHEN YOU SAID CONTINUE MORE CONVERSATION IS IT TAKE A VOTE AND KEEP TALKING ABOUT IT OR TALK ABOUT IT AND THEN TAKE A VOTE?

Mayor Wynn: IT WILL BE UP TO WHETHER THERE'S A MOTION MADE AND A SECOND AND A VOTE. IT'S THE WILL OF THE COUNCIL AS TO WHETHER OR NOT THEY WANT TO TAKE ACTION. COUNCIL IS POSTED FOR ACTION THEY CAN TAKE ACTION.

THANK YOU FOR THAT. I GUESS MY STRONG REQUEST AND TO THAT ARGUMENT IS UNTIL YOU GUYS AND THE STAFF ARE PREPARED TO COME TO THE CITIZENS OF AUSTIN AND SAY YOU KNOW WHAT WE ACTUALLY HAVE CONSIDERED THE RAMIFICATIONS TO DENSITY TO THE TAX BASE TO ENVISION CENTRAL TEXAS, TO OTHER THINGS THAT WE ARE ALL VERY CONCERNED ABOUT, THERE'S BEEN MOMENTUM, THERE'S BEEN VOTING, THERE'S BEEN INPUT BY, YOU KNOW, FOLKS BEYOND JUST A COUPLE HOURS. I CAN TELL YOU THERE'S NOT ENOUGH FACTS TO GET CLOSE TO MAKING A DECISION ON THIS. IF YOU ARE PREPARED TO SAY HERE'S WHAT THE IMPACT TO THE HOME BUILDING INDUSTRY IS GOING TO BE, HERE'S WHAT THE IMPACT OF OUR TAX BASE IS GOING TO BE, THAT'S A CONSIDERED RATIONAL DECISION. LARGELY I BELIEVE WHAT IS DRIVING THE DON'T BUILD A McMANSION IS AN EMOTIONAL REACTION TO I DON'T LIKE THAT PIECE OF ARCHITECTURE AND OKAY, LET'S INSTITUTIONIZE SOME PROCESSES BY WHICH THE NEIGHBORHOOD AND EVERYONE GET TO COME UP WITH A PLAN BY WHICH THEY ARE GOING TO GET DEVELOPMENT STANDARD FOR THEIR NEIGHBORHOODS. NOT JUST SAY HEY WE ARE GOING TO STOP THIS ALL IN THE NAME OF STORM SEWER CONTRIBUTION. I DON'T KNOW HOW MANY -- [APPLAUSE] A LOT OF FOLKS HAVE A LOT TO SAY. BOTTOM LINE, MY STRONG REQUEST SIMILAR TO THE GENTLEMAN AHEAD OF ME, IS THERE'S NOT GOING TO BE 800 800 HOUSES TORN DOWN IN THE NEXT TWO WEEKS. WHAT YOU ARE GOING TO KNOW IN TWO WEEKS COMPARED TO WHAT YOU KNOW RIGHT NOW IS GOING TO BE DRASTICALLY

DIFFERENT. THE CONVERSATION THAT WE ARE HAVING RIGHT NOW IS SIGNIFICANT. I'M SURE YOU GET PEOPLE TELLING YOU ABOUT EVERY DECISION. BE CLEAR WE ARE TALKING HUNDREDS OF MILLIONS OF DOLLARS IN REVENUE ON THE HOME BUILDING SIDE. WE ARE TALKING SIMILAR TO THE GENTLEMAN EARLIER, PEOPLE HAVE EQUITY IN THEIR HOMES DON'T TAKE THOSE DECISIONS LIGHTLY. THIS IS HUMAN, PUT A PROCESS IN PLACE TO REALLY MAKE A CONSIDERED DECISION ON THIS. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, SIR.

MAYOR, COUNCILMEMBERS, MY NAME IS MICHAEL CASIAS, I LIVE IN THE SAN BERNARD HISTORIC DISTRICT, THE PROPOSED SAN BERNARD HISTORIC DISTRICT IN CENTRAL EAST AUSTIN. I'M PRESIDENT OF OUR NEIGHBORHOOD ASSOCIATION, THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS. BUT IT'S MY MILD MANNERED ALTER EGO THAT I AM HERE ON BEHALF, THAT'S I LIKE A LOT OF MY NEIGHBORHOODS IN MY NEIGHBORHOOD ARE DEVELOPERS. WE DEVELOP INFILL SINGLE FAMILY HOMES AND COMMERCIAL MIXED USE BUILDINGS AND EVERYTHING WE DO IS EVERYTHING THAT I DO IS IN EITHER DOWNTOWN OR IN THE NEIGHBORHOOD THAT I LIVE. WHICH HAS ADVANTAGES AND CERTAINLY RISKS. BECAUSE YOU ARE LIVING RIGHT NEXT DOOR TO THE PEOPLE THAT YOU MAY NOT PLEASE. SO I'M HERE AS A CITIZEN AND ON BEHALF OF MY COMPANY TO SPEAK PRIMARILY IN OPPOSITION TO -- TO THE MORATORIUM, THE POINT 4 FAR, THE 2500 SQUARE FEET, HEIGHT LIMITS OTHER DENSITY LIMITS UNDER DISCUSSION, FIRST LET ME SAY ABOUT THE MORATORIUM, THE PURPOSE IT APPEARS TO ME THAT THE PURPOSE OF THE MORATORIUM IS TO STOP EVERYTHING WHILE WE REVIEW THE SF 3 DESIGNATION AND THE LAND REGULATIONS OF SF 3. EXCEPT THAT IT'S UNDER THE NAME McMANSIONS THAT'S THE EMERGENCY NOW. WE HAVE BEEN DISCUSSING THIS FOR YEARS. THERE HAVE ALWAYS BEEN WATCH WORDS ABOUT DENSITY AND WE HAVE BEEN DOING THIS FOR A WHILE AN ONGOING PROCESS. IT'S HAPPENED EVERY SINCE THE CITY TOOK A PUBLIC POLICY POSITION TO SUPPORT URBAN DENSITY, BUILDING INSIDE THE URBAN CORE, TRYING TO MITIGATE SUBURBAN SPRAWL AND WHILE I SERVED ON THE ZONING AND PLATTING COMMISSION AND

THE PLANNING COMMISSION WE SAW A NUMBER OF ISSUES COMING BY STAKEHOLDER WHO REALLY SAW DENSITY AS A SHOCK TO THE SYSTEM. WE REVIEWED THOSE, LISTENED INTENTLY TO THE CONCERNS, WE MADE ADJUSTMENTS AND RECOMMENDATIONS TO COUNCIL FOR THOSE CHANGES, BUT WE WERE ALWAYS MINDFUL OF THAT NEW VISION FOR THE CITY WHICH WAS URBAN DENSITY OVER SUBURBAN SPRAWL, INFILL OVER NEW SUBDIVISIONS, MIXED INCOME COMMUNITIES OVER ISOLATION OF USES IN GATED COMMUNITY, LOCATING NEW DEVELOPMENT NEAR MULTIPLE TRANSIT OPTIONS, NOT IN CUL DE SACS ACCESSED ONLY BY A HIGHWAY. THIS IS THE DIRECTION THE CITY DECIDED TO TAKE. OF COURSE WHEN WE DECIDE TO REDEVELOP OUR URBAN CORE, ESPECIALLY IN OUR OLD URBAN NEIGHBORHOOD IT'S GOING TO BE A SHOCK. WE ARE SEEING THE RECOIL DURING PLANNING PROCESS AND IN THE SUPER DUPLEX DISCUSSION. WE SPENT A YEAR OR MORE DISCUSSING SUPER DUPLEX, IRONICALLY AFTER ALL OF THAT THE STAKEHOLDER INPUT AND THE REGULATIONS THAT WE ALL AGREED ON AND EVERYBODY CAME TO COMPROMISE ON, THIS MORATORIUM AND THE REGULATIONS WILL ACTUALLY FURTHER LIMIT THAT FINAL SUPER DUPLEX OR THE FINAL DO YOU DUPLEX REGULATION. SAME THING WITH URBAN HOMES. NEIGHBORHOODS AREN'T CHIEVINGS URBAN HOMES, ESPECIALLY NOT SECONDARY APARTMENTS ANYMORE. WHAT I AM HERE TO DO IS GIVE YOU A SPECIFIC EXAMPLE OF HOW I THINK THIS WILL AFFECT AFFORDABLE HOUSING AND BUT SO LET ME GIVE YOU A HARD EXAMPLE. AS I SAID, I DEVELOP IN MY NEIGHBORHOOD. I WENT TO THE NEIGHBORHOOD ASSOCIATION, THOSE ARE TWO EXAMPLES OF TWO PROJECTS THAT EITHER I COMPLETED OR UNDERWAY. BOTH WERE DUND UNDER THE CITY'S SMART HOUSING PROGRAM. BOTH -- THE PRICE RANGES RANGE FROM 128,000, 135,000, AND IN ONE CASE WHAT WE ACTUALLY RECEIVED A VARIANCE FROM THE NEIGHBORHOOD TO REDUCE OUR LOT SIZE, WE ARE TALKING ABOUT 3200 SQUARE FOOT LOTS UNDER VARIANCE OR 3500 SQUARE FOOT LOTS UNDER THE URBAN HOME DESIGNATION. NOTHING WE HAVE BUILT HAS BEEN OVER IN FACT TO DATE I HAVE NEVER BELT ANYTHING OVER 2200 SQUARE FEET. WITH NEIGHBORHOOD SUPPORT, WE RECEIVE VARIANCES, WITH NEIGHBORHOOD SUPPORT

WE ACTUALLY PLUGGED 3 HOUSES IF YOU LOOK AT THAT SITE PLAN THAT WAS ONE LOT. THAT WAS ONE SINGLE CITY LOT OF 9,000 SQUARE FEET AND THROUGH SUBDIVISION AND THE URBAN HOME REGULATION WE WERE ABLE TO BY GETTING THE NEIGHBORHOOD TO SUPPORT A VARIANCE, WE WERE ABLE TO SELL ONE OF THOSE HOUSES ON A LOT THAT NOW IS SELLING FOR \$150,000 OR A LOT THAT IS PRICED AT \$150,000. WE WERE ABLE TO SELL ONE OF THOSE HOUSES FOR \$135,000. WHEN YOU LOOK AT THAT AND SAY IT'S 2,000 SQUARE FEET, YOU SHOULDN'T HAVE PROBLEMS WITH THE REGULATIONS. ONE IN ORDER TO DO A FEW MORE HOUSES IN ORDER TO PROVIDE AFFORDABILITY IN THAT NEIGHBORHOOD, CERTAINLY WE ARE GOING, WE HAVE A THIRD STORY THERE ON ALL OF THESE HOUSES THAT RESIDENTS HAVE -- HAVE FINISHED OUT THEIR ATTICS AND IN TWO OF THE HOUSES WE ACTUALLY ADDED A LITTLE PORCH ROOM ON THE TOP STORY TO ADD SQUARE FOOTAGE BECAUSE WE ARE DEALING WITH SUCH SMALL FOOTPRINTS. SO ANY LIMITS TO HEIGHT WOULD NOT ALLOW US TO DO THIS. IMPERVIOUS COVER. WE -- THIS WAS ONE LOT. ALTOGETHER THE SQUARE FOOTAGE OF THESE HOUSES IS SOMETHING LIKE 4,960. WELL, THAT EXCEEDS THE .4 FAR. IN FACT IF YOU LOOK AT EACH ONE OF THOSE LOTS, WE ARE AT .65, .55 AND .65 FAR. FINALLY, IT'S MY UNDERSTANDING THAT SINCE THIS WAS ONE LOT AND WE ARE REDEVELOPING IT, WE WOULD STILL BE LIMITED TO THE TOTAL AREA OF 2500 SQUARE FEET. WELL, I JUST FINISHED, WE JUST FINISHED BUILDING WITH NEIGHBORHOOD SUPPORT CONSISTENT WITH THE NEIGHBORHOOD PLAN, CONSISTENT WITH TRYING TO FIGURE OUT HOW DO WE PIT GATE GFKS IN AN AREA THAT IS SEEING \$120,000 LOT SIZES, ALL OF THOSE THINGS, WE STILL WOULD NOT BE ABLE TO DO THIS UNDER THE CURRENT MORATORIUM GUIDELINES. [INDISCERNIBLE] SAID THERE WOULD BE NO IMPACT ON AFFORDABILITY. WITHOUT FOLLOWING THE ORDINANCE WE WOULD NOT BE ABLE TO BUILD OR SELL THOSE HOMES. BY THE ARGUMENT OF -- THAT'S PRESENTED BY THE DRAINAGE PROFESSIONAL, WE REALLY SHOULDN'T BE DEVELOPING IN THE URBAN CORE BECAUSE WE ARE OVERSTRETCHED. WE SHOULD BE DEVELOPING IN THE SUBURBS, WE SHOULD BE EXPANDING AND NEW DRAINAGE SHOULD BE BUILDING BUILT BECAUSE ONLY NEW DRAINAGE CAN SUSTAIN THE

NEED. SNEPD THAT'S WHAT'S BEING SUPPORTED HERE. SO OF COURSE THESE ARE SHOCKS TO THE SYSTEM, THIS IS A SHOCK TO SOMEBODY LIVING IN A SINGLE FAMILY HOME RIGHT NEXT DOOR. BUT THIS IS EXACTLY WHAT THE CITY TALKED ABOUT DOING FIVE YEARS AGO AND HAS BEEN TRYING TO DO AND SLOWLY WE ARE SEEING THE RECOIL OF THAT. THEREFORE I JUST WOULD RECOMMEND THAT YOU -- WE LOOK AGAIN, I ACTUALLY WOULD RECOMMEND THAT YOU SEND STEWART HIRSCH AND PAUL EDWARD BACK TO THE DRAWING BOARD TO LOOK AT THE IMPACT OF -- ON AFFORDABLE HOUSING AND CONSIDER EXEMPTING AT THE VERY LEAST SMART HOUSING PROJECTS OR SECONDARY APARTMENTS BECAUSE THOSE ARE CONTRIBUTING TO THE TOTAL SQUARE FOOTAGE AND CERTAINLY IF WE HAVE TO GO FOR VARIANCES AND HARDSHIPS AND ALL OF THIS STUFF THEN IT JUST INCREASES THE PRICE AND FOR A VERY SMALL DEVELOPMENT LIKE THAT, IT MATTERS TO A BUYER. THANK YOU. [APPLAUSE]

THANK YOU.

MAYOR, MY NAME IS JIM YOUNG. I'M A DEVELOPER. I WORK FOR A COMPANY CALLED BRD HOLDINGS. PUTTING UP ON THE SCREEN HERE A COUPLE OF PICTURES THAT I JUST GRABBED RUNNING OUT THE DOOR BECAUSE I FOUND OUT ABOUT THIS LATE. OF HOMES THAT WE HAVE BUILT. AND THERE'S CERTAINLY NOT AS NICE ARCHITECTURALLY SOME OF THE ONES THAT I SAW EARLIER, BUT THE BIGGEST QUESTION THAT I WOULD LIKE TO POINT OUT, ESPECIALLY WITH REGARD TO TEAR DOWNS WHAT WAS THERE BEFORE? I'M NOT -- MR. MCCracken I'M NOT TALKING ABOUT THESE 10,000 SQUARE FOOT LOTS THAT YOU KEEP REFERRING TO, WE ARE NOT BUILDING IN TARRYTOWN, WE ARE BUILDING IN EAST AUSTIN, WE ARE BUILDING IN PLACES WHERE A LOT OF PEOPLE DON'T NECESSARILY WANT TO GO RIGHT NOW. AND WE GO IN AND PUT THESE IN AND SOMETIMES THE STUFF THAT WAS THERE BEFORE, THE ONE THAT'S NEXT DOOR IS HATE TO USE THE WORD BUT IT'S A CRACK HOUSE. I MEAN THEY ARE KIND OF SCARY. THE STUFF THAT WE PUT IN AFTERWARDS IS REALLY NICE AND I KNOW THAT WE ARE GOING TO BE AFFECTED BY THIS. I DIDN'T EVEN THINK ABOUT THE ISSUE OF THE PORCHES, BUT THAT WILL BE THE FIRST THING THAT WE CUT OUT BECAUSE WE WON'T BE

ABLE TO FIT WITHIN SOME OF THESE GUIDELINES. THE OTHER THING IS THAT THE LOTS, THERE WAS INTENTION BROUGHT UP ABOUT IMPERVIOUS COVER. WE OBVIOUSLY ALWAYS ABIDE BY IMPERVIOUS COVER OR WOULD HE WOULDN'T GET A PERMIT. I DON'T UNDERSTAND WHY WE ARE GOING AROUND WITH THE FAR WHEN PEOPLE ARE ALREADY ABIDING BY THE IMPERVIOUS COVER LIMIT. THEY ARE ALREADY ABIDING BY THE SETBACK LIMITS. YOU HAD A SERIES OF PICTURES THAT YOU PUT UP AT THE BEGINNING SHOWING SOME PRETTY BAD EXAMPLES AND AGAIN I AGREE WITH THE INTENT OF WHAT YOU ARE TRYING TO DO. BUT THOSE WERE EXCEPTIONS. SOMEBODY WHO IS BUILDING UP AGAINST THREE FEET, FIVE FEET AWAY FROM THEIR NEIGHBOR, THAT'S TERRIBLE. BUT THE THING IS THAT IT WAS APPROVED. THOSE SETBACKS WERE APPROVED FOR THAT LOT. MAYBE SOMETHING SHOULD BE DONE ABOUT CHANGING SETBACKS. BUT I KNOW FOR OUR COMPANY, WE ALWAYS BUILD OFF OF FIVE FOOT SETBACKS. WE CAN'T BUILD WITHIN 10-FOOT OFF THE BACK. WE NEVER BUILD CLOSER THAN 25 FEET FROM THE CURB. THAT'S BECAUSE THE RULES ARE SET UP THAT WAY. I DON'T UNDERSTAND WHY WE ARE GOING TO GO AND CHANGE IT, ESPECIALLY IN THE MIDDLE OF THIS OF THESE ARCHITECTS POINTED OUT, IT DOESN'T TAKE A WEEK OR TWO WEEKS TO FIX THESE THINGS, JUST FOR THE PURPOSE OF THINKING ABOUT WHAT WE ARE DOING AHEAD OF TIME, YOU ASKED SEVERAL TIMES TO ONE OF THE OTHER PERSONS OVER HERE, CAN WE DO THIS, THIS, THIS, SHOULDN'T ALL OF THAT HAVE BEEN ADDRESSED BEFORE WE ARE VOTING ON THIS TONIGHT? [APPLAUSE] I CAN JUST TELL FROM YOU PERSONAL EXPERIENCE THAT THE VARIANCE DOESN'T GO THROUGH QUICKLY AND EASILY. THE VARIANCE THAT'S WE PUT IN WON'T BE APPROVED BEFORE YOU GET DONE WITH THIS MORATORIUM, WITH THIS TEMPORARY MORATORIUM. THINGS LIKE THAT HAVE HAPPENED IN THE PAST. THE REST OF THE THINGS THAT I HAD ARE PRIMARILY THE SAME THING BUT I WARRANT TO GIVE MORE TIME TO SMARTER PEOPLE THAN ME. SOMEONE TOLD ME THAT THEY WOULD LIKE ME TO GET ON RECORD, IF THIS IS ACCURATE IT COULD BE READ INTO THE RECORD. 244 PEOPLE HERE TONIGHT AGAINST THIS MORATORIUM. ONLY 86 FOR. I'M NOT SAYING THEY DON'T HAVE VALID POINTS [APPLAUSE], I'M JUST

SAYING TONIGHT'S DATE MAY NOT BE THE PROPER VENUE FOR CLOSING THE DOOR ON THIS DISCUSSION AND VOTING AND GETTING THIS DONE WITH. THANK YOU. [APPLAUSE]

Dunkerly: MAYOR, CAN I ASK A QUESTION, WHAT SIZE HOUSES ARE THOSE THAT YOU SHOWED. WHAT SQUARE FOOTAGE? I THINK THAT I HAVE SEEN SOME OF THEM.

THEY ARE RANGING ANYWHERE FROM AROUND 1250 TO 1450. BUT MOST OF THOSE ON THERE I BELIEVE ARE AROUND 1250. WE ALSO BUILT DUPLEXES, SOME OF THOSE ARE DUPLEXES YOU JUST CAN'T TELL.

Dunkerly: WOULD THOSE NOT WORK WITH THE 2500 INTERIM LIMIT RIGHT NOW?

WELL, WHAT I'M TALKING□□ ABOUT IS THE FACT THAT IF WE GO TO TEAR DOWN SOMETHING AND THEN WE WANT TO BUILD FOR INSTANCE A DUPLEX LIKE MR. NASH WAS TALKING ABOUT THAT WOULD FIT ON A LOT, THAT TAKES UP SAY 45, 44% IMPERVIOUS COVER, IT WOULD FIT ON THAT LOT, BUT UNDER THIS NEW PROGRAM IT WOULDN'T SO THEN IT'S ONLY GOING TO BE ABLE TO BE USED TO BUILD FOR INSTANCE A SINGLE FAMILY HOME INSTEAD OF A DUPLEX.

Dunkerly: I THINK THIS PARTICULAR ONE TONIGHT ONLY RELATES TO SINGLE FAMILY HOMES. SO MAYBE YOU ARE OKAY ON THIS ONE.

NO A DUPLEX IS STILL CONSIDERED A SINGLE FAMILY RESIDENCE.

25 MUST NOT SQUARE FEET.

COUNCILMEMBER MCCRACKEN? MR. GUERNSEY?

McCracken: COUNCILMEMBER DUNKERLY'S POINT IS YOU CAN BUILD 2500 SQUARE FEET NO QUESTIONS ASKED. YOU ARE BUILDING ACTUALLY HALF AS MUCH AS YOU COULD. THAT'S PART OF THE --

SHE ASKED ME ABOUT THOSE SPECIFIC ONES, THOSE ARE WHAT I BROUGHT AS I LEFT THE HOUSE. I COULD HAVE

BROUGHT OVERHEADS OF CAD DRAWINGS I DIDN'T HAVE THEM WITH ME.

I'M NOT ARGUING WITH YOU. I WAS CURIOUS BECAUSE I HAVE SEEN SOME OF OF THE HOUSES AND THEY ARE NICE.

THE IRONY IS THAT I GOT ROUTINE PHONE CALLS PEOPLE ANGRY BECAUSE I BUILT SOMETHING NEXT TO THEM THAT HAD ALWAYS BEEN EMPTY WHERE THEIR KIDS PLAYED. THERE'S SOMEONE ALWAYS UPSET ABOUT SOME THINGS.

I CAN UNDERSTAND THAT. [APPLAUSE]

Mayor Wynn: MR. GUERNSEY, THERE WAS A QUESTION ABOUT -- ABOUT THE ISSUE OF SINGLE FAMILY USE VERSUS SINGLE FAMILY ZONING. CAN YOU HELP US?

Guernsey: THE ORDINANCE THAT YOU HAVE BEFORE YOU ONLY DEALS WITH SINGLE FAMILY USES. IT BOO NOT AS WRITTEN APPLY TO THE DUPLEX, IT WOULD NOT APPLY TO -- TO THE SECONDARY APARTMENT, WHICH IS A HOUSE BEHIND A HOUSE, OR TWO FAMILY RESIDENTIAL USE A HOUSE BEHIND A HOUSE. IT WOULD DEAL WITH ONE DWELLING UNIT ON ONE LOT, AND THAT'S WHAT'S BEFORE YOU AS CURRENTLY WRITTEN IN THE ORDINANCE.

Mayor Wynn: THANK YOU, WE WILL RESTART THE CLOCK. WELCOME, SIR.

HI. MAYOR AND COUNCILMEMBERS. MY NAME IS NICK DEAYER I'M AN ARCHITECT DOING PRIMARILY RESIDENTIAL WORK. IN FACT ALMOST ENTIRELY CENTRAL AUSTIN REDEVELOPMENT. SO THIS MORATORIUM AFFECTS ME AND IT AFFECTS ALL OF MY CLIENTS AND I'M REALLY HERE ON BEHALF OF THEM. THE THING THAT I WANTED TO -- FIRST OF ALL LET ME GIVE YOU BACKGROUND. I CAME HERE FROM CONNECTICUT AFTER HAVING SPENT ABOUT 15 YEARS WORKING FOR [INDISCERNIBLE] ARCHITECTS WHICH WAS THE FIRM THAT DESIGNED THE PARMER EVENTS CENTER FOR OUR CITY. AND AS LONG AS I'VE BEEN HERE, I HAVE ENJOYED TRYING TO REDEVELOP THESE DOWNTOWN NEIGHBORHOOD AND VERY -- IN VERY SENSITIVE WAYS. I WILL LIKE THAT MANY OF MY CLIENTS AND MANY PEOPLE

WHO GO TO OTHER ARCHITECTS ARE AFTER EXACTLY WHAT YOU ARE PURSUING HERE TONIGHT. WE CARE ABOUT OUR DOWNTOWN NEIGHBORHOODS. AND I'M -- AS I SAY, I FEEL A LITTLE BIT UNCOMFORTABLE IN THE POSITION OF BY DEFAULT SUPPORTING McMANSIONS BECAUSE THAT'S NOT REALLY WHAT I INTEND TO DO. HOWEVER, I DID WANT TO SPEAK ANECDOTALLY ABOUT MY PRACTICE, ABOUT CLIENTS THAT COME TO ME TRYING TO LIVE IN THE INNER CITY, LIVE CLOSE TO DOWNTOWN AND ENJOY THE SMART GROWTH PROCESSES THAT THE CITY IS PROMOTING. AND I BROUGHT JUST A QUICK PROJECT, DIDN'T HAVE MUCH TIME TO PREPARE ANYTHING BUT IF YOU WILL NOTICE, I -- I DID A RENOVATION FOR A CLIENT A FEW YEARS AGO WHERE YOU ARE SEEING THE EXISTING HOUSE THAT WE STARTED WITH, IT WAS A VERY SMALL HOUSE AND IT'S IN A VERY INTIMATE LITTLE NEIGHBORHOOD OVER ON JUST OFF OF 45th STREET. AND I WANTED TO SHOW YOU WHAT WE DID TO THAT HOUSE IS THAT WE WERE VERY CAREFUL, MY CLIENTS EVEN THOUGH THEY HAD NEEDS TO FULFILL SO THAT THEY COULD HAVE A GROWING FAMILY, THEY WANTED TO ADD A NEW LIVING SPACE ON TO THEIR HOUSE, THEY NEEDED AN EXTRA BEDROOM, EXTRA BATHROOM. VERY MODEST NEEDS IN THIS RATHER COMPACT LITTLE NEIGHBORHOOD AND IF YOU CAN SEE IN MY PICTURE, ALL OF THE LITTLE ONE STORY HOUSES AROUND US, ALTHOUGH THEY ARE NOT VINTAGE BUNGALOW, THEY ARE 1940S EXAMPLES, I BROUGHT THIS TO SHOW YOU SOMETHING THAT WOULD NOT ACTUALLY MEET YOUR MORATORIUM. WHAT WE TRIED TO DO HERE -- WE ACTUALLY DOUBLED THE SIZE OF THE ORIGINAL HOUSE AND IT -- THE ADDITION IS ALMOST INVISIBLE TO THE NEIGHBORHOOD. IF YOU WILL NOTICE THERE'S A LITTLE SORT OF LIKE MONITOR PEEKING OVER THE ROOF IN THE BACK THAT BASICALLY COVERS OR IS USEFUL FOR THE BACK PORTION OF THE HOUSE THAT WE HAVE ADDED. WE WERE VERY CAREFUL, MY CLIENTS ARE VERY INTERESTED IN THEIR NEIGHBORHOODS AND WANT TO DO EVERYTHING THAT IS APPROPRIATE IN SCALE AND I WANTED TO JUST ENCOURAGE YOU THAT MOVING ALONG THIS PAST BE CAREFUL THAT -- THAT IF YOU TRY TO LIMIT THINGS BY PRESCRIBED SIZES FOR INSTANCE OFTENTIMES MASSING AND APPARENT SCALE ARE THE -- ARE THE CULPRITS HERE, THE ONES THAT EVERYBODY ARE WANTING

TO AVOID AND WITH -- WITH A SMALLER SIZE YOU CAN STILL BE GUILTY OF HAVING POOR MASSING, POOR SCALE, BE RUDE TO YOUR NEIGHBORHOOD BY PLUTTING SOME BLUNTED EDIFACE NEXT TO THEIR HOUSE. WANTING TO KEEP YOU FROM VENT BEING WHAT I THINK OF AS VERY SENSITIVE REDEVELOPMENT OF OUR DOWNTOWN. ONCE AGAIN I JUST BROUGHT ONE EXAMPLE. BUT -- BUT I WOULD END ENCOURAGE YOU TO INVOLVE THE ARCHITECTS IN TOWN AND -- IN ALL OF OUR DECISION MAKING BECAUSE NOT SPEAKING ON MY BEHALF, THERE ARE MANY ARCHITECTS HERE, OTHER DESIGNERS WHO HAVE A LOT OF EXPERIENCE AND GREAT SKILLS AT DOING RENOVATIONS, REDEVELOPMENTS OF DOWNTOWNS, MANY OF WHICH I THINK WOULD BE HARD TO CRITICIZE IN TERMS OF THEIR SCALE OR LET -- OR IN FACT THEIR GREAT CONTRIBUTIONS TO THEIR NEIGHBORHOOD. JUST ONCE AGAIN I HATE TO USE THE ANALOGY THAT SOMEONE ELSE ALREADY USED BUT I DO WANT TO CAUTION YOU AGAINST THROWING THE BABY OUT WITH THE BATH WATER. AS I SAY, ONE MORE THING, ANECDOTALLY, OUT OF MOST OF MY CLIENTS WHO HAVE VERY MODEST HOMES, THEY ARE SEEKING ADDITIONS THAT MAY BE ADDING JUST A LIVING SPACE IN THE BACK YARD BUT THEY WOULD LIKE TO HAVE AN OUTDOOR SCREENED PORCH, MOST OF THE HOUSING STOCK IN THIS CITY ESPECIALLY THE INNER CORE ARE -- WERE DESIGNED SORT OF POST WORLD WAR II STANDARDS, THEY ARE VERY LIMITED, THEY REALLY DON'T OFFER THEMSELVES TO A CONTEMPORARY LIFESTYLE. MOST OF THEM DON'T HAVE ANY RELATIONSHIP TO THEIR BACK YARDS. AND AS A RESULT WHEN WE -- WHEN A CLIENT ENGAGES IN ARCHITECT -- AN ARCHITECT OTHER OR DESIGNER THEY ARE TRYING TO SOLVE PROBLEMS THAT DO TAKE MORE THAN SOME OF THE PRESCRIBED LIMITATIONS THAT YOU'VE HAD. ONCE AGAIN I WOULD CAUTION YOU AGAINST A MORATORIUM WHICH BY THE WAY BASICALLY I TOOK A QUICK NOTE TODAY AND ALMOST ENTIRELY ACROSS MY CLIENT BASE, EACH OF THE PROJECTS WOULD BE AFFECTED INCLUDING THE ONE THAT I'M SHOWING YOU, NONE OF THESE WOULD BE THE ONES THAT I THINK WOULD BE CONSIDERED McMANSIONS. BUT JUST BE CAREFUL THAT IF YOU ARE -- IF YOUR COURSE OF ACTION IS TO PREVENT POOR MASSING OR POOR SCALE OR POOR JUST POOR

PLANNING OR BEING RUDE TO YOUR NEIGHBORS, BE CAREFUL THAT YOU DON'T END UP REALLY HARMING PEOPLE WHO ARE REALLY TRYING TO BUILD THEIR DREAM HOMES AND BE QUITE SENSITIVE TO THEIR NEIGHBORHOODS, THANK YOU. [APPLAUSE]

I'M RICHARD [INDISCERNIBLE], A HOME OWNER IN AUSTIN. I'M NOT A BUILDER. I HAVE NO AX TO GRIND WITH RESPECT TO THE ORDINANCE PER SE, I DO HAVE A REAL LIVE STORY, NOT A HYPOTHETICAL SITUATION. BUT AN ACTUAL OCCURRENCE WITHIN MY FAMILY UNIT THAT WILL AFFECT MY DAUGHTER'S HOUSE. I WOULD ALSO ASK FOR ADDITIONAL TIME FOR THOSE SPEAKING IN OPPOSITION TO THIS ORDINANCE AS THERE'S SOME 240 PEOPLE THAT WISH TO EXPRESS THEIR VIEWS IN THIS ONE HOUR PERIOD VERSUS THE 80 THAT YOU ALLOWED THE ONE HOUR TIME PERIOD THAT SPOKE IN FAVOR OF THIS. I WOULD ASK THAT. [APPLAUSE] NOW, GOING FORWARD, MY -- I WAS LUCKY ENOUGH THAT MY LAST DAUGHTER FINALLY MOVED OUT OF MY HOUSE AFTER SHE GOT MARRIED [LAUGHTER] I WAS -- I WAS THEN UNLUCKY ENOUGH THAT SHE MOVED BACK IN WITH HER HUSBAND THIS TIME. OKAY. NOW, THE SITUATION IS THAT WE WENT THROUGH A LONG PROCESS OF -- OF FINDING A -- AN AREA THAT SHE WANTED TO BUILD IN. THAT HER AND ANDRE WANTED TO BUILD IN. THEY ARE VERY MUCH URBAN YUPPIES. MUCH TO THE CONSTERNATION OF THEIR DAD BY THE WAY. I'M ALL IN FAVOR OF URBAN SPRAWL SO YOU DON'T WANT TO PAY ANY ATTENTION TO MY PERSONAL POINTS OF VIEW. BUT WITH RESPECT TO THEIRS, THEY FOUND A GREAT LOT JUST EAST OF I-35 ON OFF OF -- ON 15th STREET. A RATHER LARGE LOT FOR THE AREA. IT'S SOME 50 BY 150 FEET. THE HOUSE ON THAT LOT IS 900 FEET. THEY HAVE SPENT THE LAST THREE AND A HALF MONTHS WORKING WITH CURRENT BUILDING CODES, THE HIRING THE ARCHITECTAL FIRM WHO IS WORKING WITHIN THESE CURRENT BUILDING CODES, HEIGHTS STANDARDS, SIZE OF THE HOUSE, THEY HAVE COME UP WITH A VERY NICE FOOTPRINT, A NICE PLAN ABOUT 1200 FEET OF FOOTPRINT FOR THAT HOUSE, THREE STORIES TALL TO TAKE ADVANTAGE OF WHAT THEY CONSIDERED THE -- THE CLASSIC NATURE OF LIVING IN CLOSE IN DOWNTOWN AND THAT IS ENJOYING THE SKYLINE OF THE CITY OF AUSTIN.

ENJOYING THE CAPITAL, THE UNIVERSITY OF TEXAS TOWER SINCE IT'S ORANGE ALL THE TIME NOW. [LAUGHTER] AND -- AND UNDER THIS ORDINANCE AFTER -- AFTER SPENDING SOME SIX MONTHS IN DEVELOPING THESE PLANS, THEY ARE ABOUT A MONTH AWAY FROM COMPLETING THESE PLANS AND GOING TO THE BUILDING PERMIT. WELL, I'M SORRY, BUT THAT -- THAT HOUSE WILL NO LONGER COMPLY WITH THE RULES OF THE CITY OF AUSTIN. NOT BECAUSE THEY DIDN'T FOLLOW THE 20 2:00 100 PAGES -- 2100 PAGES OF RULE THAT THE CITY OF AUSTIN HAS FOR BUILDING A HOME. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]NO CARRIERRINGCONNECT 57600

JUST GO THROUGH AND LOOK AT THE UPSIDE AND THE DOWN SIDE AND, YOU KNOW, GET MY DAUGHTER OUT OF MY HOUSE. [LAUGHTER] [APPLAUSE]

Mayor Wynn: THAT WAS THE BEST ARGUMENT YET, BY THE WAY. COUNCILMEMBER DUNKERLEY?

Dunkerley: THIS LAST GENTLEMAN I HAVE A REAL SYMPATHY FOR AND I WISH HE WOULD STEP ACROSS THE HALL AND TALK TO STAFF BECAUSE I'M NOT SURE WHY THAT WOULD BE STOPPED. LET THEM TALK TO YOU BEFORE YOU LEAVE, AND IF IT'S REALLY A PROBLEM, WE'LL THINK ABOUT IT NEXT WEEK BECAUSE I HATE TO SEE YOU BE INCONVENIENCED. THANK YOU. I DON'T KNOW WHERE THEY'RE SET UP. STAFF, WHERE ARE THEY? IN THE LOBBY. IF YOU WILL STEP OUT THERE AND TALK TO STAFF AND THEY'LL SEE IF THIS PARTICULAR DEVELOPMENT IS GOING TO BE IMPACTED.

Mayor Wynn: IF YOU COULD DO THAT AND COME BACK AND GIVE US THE REPORT ON WHAT STAFF SAID, I WOULD BE CURIOUS TO KNOW WHETHER IT WOULD BE STOPPED BY THIS ACTION OR NOT.

COUNCILMEMBERS, MY NAME IS RICK PRICE, I'M A LOCAL MEMBER OF THE AIA CHAPTER HERE IN AUSTIN. MY CONCERNS FOR BEING HERE IN SPEAKING WITH Y'ALL THIS EVENING IS WHAT I READ, WHAT I HEARD, WHAT I THOUGHT. AND I CAME TONIGHT AND SOME OF THOSE CONCERNS WERE BROUGHT BACK TO ME. A FEW OF Y'ALL SPOKE A LOT ABOUT PROPERTY VALUES, GOOD NEIGHBORS,

INAPPROPRIATE BUILDING, PROPERTY TAXES AND LAND VALUES. NOT MANY OF Y'ALL'S ARGUMENTS WERE FIXING THE INFRASTRUCTURE OF THE DRAINAGE. IT WASN'T AN INITIAL AND BIG ISSUE. IT'S THE LEM TERM THERE, -- IT'S THE LEGAL TERM THERE, IT'S THE EMERGENCY DECLARATION, BUT IT WASN'T EVERYBODY'S POINT. AND WHEN COMING TO Y'ALL FOR VARIANCES, THE HARDSHIPS HAVE TO BE EXPRESSED. EVERYBODY WANTS A BIG HOUSE, EVERYBODY WANTS A BEAUTIFUL HOUSE, BUT IT'S THE HARDSHIP. JUST BECAUSE YOU DON'T LIKE WHAT'S BEING BUILT NEXT TO YOU, EVERYBODY HAS DIFFERENT OPINIONS ABOUT AESTHETICS. WHAT YOU MAY LIKE MAY DIFFER FROM THE WOMAN NEXT TO YOU, THE WOMAN NEXT TO YOU, MAYOR. THAT'S DEED RESTRICTIONS, THAT'S HOMEOWNERS ASSOCIATIONS GOVERNING AESTHETICS. COMING TO YOU GUYS WITH A KNEW PROJECT, WE KNOW THE IMPERVIOUS COVER WE HAVE TO STAY WITHIN, WE KNOW ABOUT SETBACKS, BUILDING HEIGHTS. PUTTING THIS UP THERE BECAUSE OF DRAINAGE, THE DRAINAGE NEEDS TO BE FIXED. WE DEAL WITH THE IMPERVIOUS COVERS, THEY'RE THERE, THEY'RE MORE RESTRICTIVE THAN DALLAS AND HOUSTON WHERE PEOPLE BUILD TO THE SETBACKS. WE HAVE A VERY GOOD IMPERVIOUS COVER ALLOWANCES AND THEY'RE STRICT, AS THEY SHOULD BE. I DON'T SEE HARD EVIDENCE ABOUT THE EMERGENCY DECLARATION THAT WOULD ALLOW AND I THINK GO THROUGH. I REALLY THINK THAT PERHAPS THE TIME THAT THIS WOULD BE JUST TEMPORARY, MAYBE IT'S BETTER SPENT THINKING ABOUT THIS, GETTING THE RESEARCH IN AND REALLY KNOWING HOW THE IMPACT IS. I THINK THE IMPERVIOUS COVERS THAT WE HAVE NOW ARE VERY WELL THOUGHT OUT, VERY -- THEY'RE RESTRICTIVE, BUT THEY'RE THERE FOR GOOD REASONS. THERE ARE SOME UGLY HOUSES, THERE ARE SOME McMANSIONS. SOME THAT YOU ACTUALLY SHOWED WOULD BE ABLE TO BE BUILT UNDER THIS NEW TEMPORARY RULING. SOME OF THEM ARE IN THE SPACE OR THE ADVANTAGE POINT OF THE PHOTOGRAPHS THAT WERE SHOWN MISLEADING, ONE I KNOW SPECIFICALLY. AND ONE I KNOW THAT WAS A SECOND STORY TO SAVE AN OLD TREE. WE LIKE THE TREES HERE IN TEXAS, WE LIKE THE TREES HERE IN AUSTIN. IF THESE SCREENED IN PORCHES, COVERED PORCHES, WHATEVER THE LANGUAGE IS, IF WE LOSE THE PORCHES, NO ONE IS

GOING TO BE OUTSIDE ENJOYING THE NICE WEATHER THAT WE HAVE. EVEN WHEN IT'S RAINING, ENJOYING IT. SO I DON'T THINK YOU SHOULD PASS THIS. IT'S NOT RIGHT. IT'S NOT FOR THE RIGHT REASONS. AESTHETICS. PUT THAT IN THE HOMEOWNERS AND THE NEIGHBORHOODS. THAT'S ALL I ASK OF YOU TONIGHT. THANK YOU VERY MUCH. [APPLAUSE]

HI, I'M VIRGIL AL ALEXANDER, A BORN AND RAISED AUSTINITE. I'M A HOMEOWNER IN TARRYTOWN. I LIVE IN A 1700 SQUARE FOOT HOUSE. IT'S A 3/2 BUILT IN 1951 AND IS IN EXACT ARCHITECTURAL CONDITION AS WHEN IT WAS ORIGINALLY BUILT. I'M THE VERY PERSON THAT YOU ARE TRYING TO PROTECT THROUGH THIS ORDINANCE, AND I AM ABSOLUTELY PETRIFIED BY WHAT YOU HAVE PRESENTED. I MUST TELL YOU THAT I DON'T HAVE -- [APPLAUSE] I DON'T HAVE ALL OF THE INFORMATION AS TO WHAT IT IS YOU REALLY ARE PRESENTING AT THIS TIME. I LEARNED ABOUT THIS YESTERDAY AFTERNOON. THE LITTLE BIT OF RESEARCH I'VE DONE TO THIS POINT I'VE HEARD THERE'S BEEN CHANGES AND THINGS. I WANT TO TELL YOU WHAT MY CONCERNS ARE. MAYBE SOME OF YOUR CHANGES ADDRESS THOSE CONCERNS, BUT I AM VERY SCARED BY AT LEAST THE THINGS THAT I HAVE HEARD THAT ARE BEING PROPOSED. FOR ONE, MY WIFE AND I, WE HAVE TWO CHILDREN. I TOLD YOU WE LIVE IN A THREE-BEDROOM, TWO BATHHOUSE. IT'S A SMALL HOUSE. IT'S ALREADY MAXED OUT. IF WE HAVE ANY MORE CHILDREN, YOU KNOW, WE'RE GOING TO NEED TO ADD ON TO OUR HOME AND I WANT TO HAVE THE ABILITY DO THAT. I ALSO AM FEARFUL OF LOST VALUE AND EQUITY IN MY HOME THAT COULD BE CAUSED BY THIS. I DON'T LIKE McMANSIONS, THEY'RE GOING UP ALL AROUND ME. A LOT OF THEM DON'T HAVE -- THEY'RE ARCHITECTURALLY CHALLENGED. [LAUGHTER] I KNOW THAT MY NEIGHBORS' HOUSES ARE GOING TO BE TORN DOWN EVENTUALLY. I MEAN, EVERYBODY ON ALL SIDES OF ME IS A LITTLE OLD LADY AND THEIR HOUSE IS -- IT'S LOT VALUE. AND WHEN THOSE HOUSES ARE SOLD, THEY'RE GOING TO GET SCRAPED. AND I AM WILLING TO ACCEPT THAT AS A CONDITION FOR WHERE I LIVE PARTLY BECAUSE I KNOW WHAT THAT IS DOING TO MY PROPERTY VALUE, AND IT IS CONTINUING TO INCREASE. AND I HAVE BEEN PAYING OVER THE LAST FIVE YEARS EXORBITANT PROPERTY TAXES,

THEY'VE INCREASED DRAMATICALLY. AND IF THIS GOES THROUGH I'M NOT ONLY GOING TO ONLY EXPECT THAT MY PROPERTY VALUE GO DOWN ON THE TAX ROLLS, I'D LIKE TO GET A REFUND. [APPLAUSE] LET'S FACE IT, YOU KNOW, IT'S EXPENSIVE TO LIVE IN CENTRAL AUSTIN. MY HOUSE IS PRACTICALLY PAID FOR. AT THE TIME IT IS PAID FOR, IT'S GOING TO BE EXPENSIVE TO LIVE IN CENTRAL AUSTIN DUE TO THE TAXES. BUT I LOOK AT THAT AS AN INVESTMENT THAT I'M WILLING TO TAKE BECAUSE I SEE THE TRAJECTORY OF MY PROPERTY VALUE. AND I KNOW THAT THIS ORDINANCE WILL TAKE MONEY OUT OF MY POCKET NOW. AND A LOT OF MONEY. AND I WOULD DARE SAY AT LEAST \$100,000. [APPLAUSE] THE LAST THING IS THAT IT IS AMAZING TO ME THAT THE COUNCIL BE CONSIDERING SOMETHING THAT IS GOING TO TAKE MONEY AWAY FROM THE SCHOOLS. I DON'T KNOW HOW WE'RE GOING TO INCREASE OUR TAX BASE OTHER THAN DEVELOPMENT WITHIN THE CITY. AND EVERY ONE OF THESE HOUSES THAT GETS TORN DOWN AND A THREE-QUARTER OF A MILLION TO A-MILLION-DOLLAR HOUSE GETS BUILT, YOU JUST DOUBLED YOUR TAX ROLL. AND I WANT MY KIDS TO GO TO SCHOOL IN AUSTIN LIKE I DID, I WANT MY KIDS TO GRADUATE FROM AUSTIN HIGH LIKE I DID. I'M NOT SURE THAT THE SCHOOLS ARE IN AS GOOD OF SHAPE AS WHEN I WENT THROUGH, BUT I HOPE THAT THEY DON'T GET ANY WORSE. THANKS. [APPLAUSE]

Mayor Wynn: WELCOME.

MY NAME IS CHRIS RICHER. MY WIFE AND I HAVE LIVED IN SOUTH AUSTIN FOR SEVEN YEARS NOW. WHEN WE FIRST GOT MARRIED WE MOVED DOWN TO SOUTH CONGRESS BECAUSE WE REALLY LIKED THE AREA, WE LOVED THE DIVERSITY OF PEOPLE, HOUSING AND HOUSING TYPES. WE DECIDED WE WANTED TO LIVE THERE AND WE WANTED TO BUILD A HOUSE. WE STARTED LOOKING FOR A LOT AND WE FOUND ONE ON SOUTH FIFTH, WHICH IS SOUTH OF OLTORF. MY FRIENDS, FAMILY, MY FATHER-IN-LAW IN PARTICULAR THOUGHT I WAS ABSOLUTELY CRAZY MOVING TO A HOUSE IN THAT AREA AND MOVING HIS DAUGHTER IN THERE, BUT WE FELT CONFIDENT IN THE AREA AND WE WERE EXCITED ABOUT IT. AND WE BUILT A 1700 SQUARE FOOT HOUSE, WHICH WAS VERY APPROPRIATE TO THE AREA. NOW, WHAT

YOU DON'T SEE IN THIS HOUSE IS THAT I COULD HAVE DONE ANOTHER 800 SQUARE FOOT BONUS ROOM WITHOUT CHANGING THE EXTERIOR OF THAT HOUSE ONE BIT. I ALSO THINK IT WOULD HAVE BEEN APPROPRIATE IF I CHOSE TO BUILD A GARAGE APARTMENT THERE. THAT AREA IS COVERED IN GARAGE APARTMENTS. THAT WOULD PUSH MY SQUARE FOOTAGE UP TO 3100 SQUARE FEET. IT SOUNDS LIKE A LOT, BUT IT IS VERY APPROPRIATE FOR THIS AREA. AS YOU CAN TELL, I THINK THE HOUSE LOOKS VERY APPROPRIATE TO THE AREA. A FEW YEARS LATER WE DECIDED WE WANTED TO MOVE TO A LARGER HOUSE. OUR LIFE-STYLE CHANGED AND WE NEEDED A DIFFERENT HOUSING TYPE. WE WERE FORTUNATE ENOUGH TO FIND A LOT IN THE TRAVIS HEIGHTS AREA AND WE BUILT THIS SECOND HOUSE, WHICH IS 2400 2400 SQUARE FEET. ALL ALONG WE WANTED TO MAKE SURE THAT IT FIT INTO THE NEIGHBORHOOD, AND I THINK WE DID A VERY GOOD JOB. MOST OF THE VISITORS THAT COME TO OUR HOUSE, THE ONE ON THE BOTTOM, THEY ASK US HOW LONG OUR HOUSE HAS BEEN THERE. THEY THINK IT'S BEEN THERE LONGER THAN OUR NEIGHBORS' HOUSES HAVE. AND WE WANTED TO DO THAT BECAUSE THAT IS WHAT IS APPROPRIATE TO THE AREA. BUT AGAIN, IF I WANTED TO BUILD A GARAGE APARTMENT ON THIS HOUSE, I COULD HAVE AND THAT WOULD HAVE PUSHED ME TO 3,000 SQUARE FEET. I COULD HAVE USED IT FOR A GARAGE APARTMENT OR A HOME OFFICE. I WORK AT HOME. THAT WOULD HAVE BEEN PERFECT FOR ME OR COULD BE PERFECT FOR ME. BUT UNDER BUT UNDER THESE RULES AS I UNDERSTAND THEM, WHICH I'M STILL NOT CLEAR ON, I WOULD NOT BE ALLOWED TO DO THAT. THAT'S ONE MORE CAR OFF OF THE ROAD IF I COULD WORK OUT OF MY HOUSE. SO THE QUESTION IS WHY AM I COMPLAINING? EVERYTHING I'VE BUILT HAS BEEN WITHIN THE RULES AND I'VE ALREADY GOTTEN AWAY WITH IT. WELL, THE FACT IS TRAVIS HEIGHTS IS A PERFECT EXAMPLE OF WHY THERE NEEDS TO BE DIVERSIFICATION IN THE HOUSING TYPES. DRIVE DOWN TRAVIS HEIGHTS BOULEVARD. THERE ARE 300 SQUARE FOOT, 4,000 SQUARE FOOT THOUSAND HOUSES THAT ARE 100 YEARS OLD NEXT TO A 700 SQUARE FOOT HOUSE THE SAME AGE. WHY WAS IT APPROPRIATE THEN AND IT'S NOT NOW? [APPLAUSE] THAT IS WHAT MAKES OUR NEIGHBORHOOD SO UNIQUE, IT'S THE

DIVERSITY. AND HOUSE PRICES -- THE 700 SQUARE FOOT PRICE DID NOT SUFFER ONE BIT. THE NUMBER TWO REASON I'M AGAINST THIS IS DENSITY IS A GOAL OF THE CITY. WE'VE STATED THAT OVER AND OVER AGAIN. HOW COME THE AIRPORT CAN PUT VERY LARGE HOUSES ON VERY SMALL LOTS, WAY SMALLER THAN THESE LOTS AND IT'S OKAY THERE, BUT ANYWHERE ELSE IN THE CITY IT'S NOT APPROPRIATE NOW? THE THIRD REASON I HAVE IS WE'RE CHANGING THE RULES MID GAME. SOMEONE AS ALREADY MENTIONED THAT. ANYONE THAT HAS BOUGHT A HOUSE OR A LOT IN THESE NEIGHBORHOODS, KNEW WHAT THE RULES ARE OR THEY SHOULD HAVE, AND NOW WE'RE CHANGING THEM. NUMBER 4, THIS IS NOT A COUNCIL ISSUE. THIS IS A NEIGHBORHOOD ISSUE. [APPLAUSE] MY NEIGHBORHOOD, AS MANY NEIGHBORHOODS, DO HAVE HOMEOWNERS ASSOCIATIONS. MOST OF THEM HAVE EXPIRED, THEY HAVE NOT KEPT THEM UP, BUT THEY COULD. THERE WERE SO MANY PEOPLE THAT WERE OUT RAINFALLED OVER THIS, I THINK THESE ASSOCIATIONS WOULD BE FORMED AGAIN. I STRONGLY BELIEVE MOST OF THE MINORITIES CONCERNS ARE DRIVEN GI THE ARCHITECTURE THAT WE'VE SEEN. WE HAVE SEEN MANY EXAMPLES OF THEM. AND I STRONGLY DISAGREE WITH THEM TOO. I DO NOT THINK THEY'RE APPROPRIATE. SO ANYWAY, I JUST WANT TO STRONGLY URGE YOU TO VERY SERIOUSLY CONSIDER WHAT Y'ALL ARE DOING, AND I ALSO THINK -- IT SOUND LIKE Y'ALL HAVE ALREADY MADE UP YOUR MIND ON WHAT YOU'RE GOING TO DO, SO I STRONGLY ENCOURAGE YOU TO INCREASE THE .4 TO AT LEAST .45 BECAUSE EACH ONE OF THESE EXAMPLES WHICH I LIVE IN I THINK MORE THAN FITS IN THE NEIGHBORHOOD AND IT WOULD NOT WORK UNDER YOUR RULES. SO PLEASE, I ASK YOU TO VERY STRONGLY CONSIDER THAT. THANK YOU VERY MUCH. [APPLAUSE]

McCracken: IF I HEARD YOU CORRECTLY, AND I MAY NOT HAVE, HE SAID ONE OF HIS HOMES IS 2400 SQUARE FEET, WHICH IS LESS THAN 2500, BUT IT WOULD BE HELP HELPFUL FOR US TO KNOW BECAUSE I'M LISTENING TO WHAT YOU'RE TELLING US.

[INAUDIBLE - NO MIC]. TALKING ABOUT THE GARAGE OFFICE OR HOUSE, AND I WAS LISTENING TO YOU GUYS PICK EACH ONE OF US APART AND TELL US, WELL, YOU WOULD BE

OKAY. [APPLAUSE] WELL, I WILL BE OKAY, BUT WHAT ABOUT THE NEXT INNOVATIVE YOUNG PERSON LIKE MYSELF WHO WANTS TO LIVE IN THIS AREA, LOVES CENTRAL AUSTIN, LOVES THE DIVERSITY AND TRIES TO DO SOMETHING CREATIVE? WE WILL NOT BE ALLOWED TO DO IT.

McCracken: ALL I'M ASKING -- [APPLAUSE] I THINK ALL WE'RE ASKING IS THAT WE ARE TAKING TESTIMONY TO LEARN ABOUT THE IMPACTS OF THIS AND ACTUALLY WHAT YOU'VE SEEN HERE TONIGHT HAS CHANGED BECAUSE OF INPUT FROM PEOPLE LIKE YOURSELF. SO IT'S HELPFUL FOR US TO LEARN THE IMPACTS OF THIS. I'M HEARING YOU TONIGHT SAYING THAT THE CHANGES HAVE BEEN MADE THIS WEEK BASED ON INPUT, HAVE TAKEN YOUR SITUATION, MADE YOU OKAY, BUT I WANT TO MAKE SURE WE'RE CORRECT ABOUT THAT, SO I DO THINK IT WOULD BE HELPFUL FOR US IF YOU COULD TALK OUT IN THE HALL AND COME BACK TO US AND LET US KNOW BECAUSE THAT'S PART OF WHY WE'RE HERE TONIGHT.

I UNDERSTAND WHAT YOU'RE SAYING. I'M JUST SAYING THAT IF I HAD MAXIMIZED MY POTENTIAL, WHICH I STILL THINK WOULD HAVE BEEN APPROPRIATE, I WOULD NOT HAVE BEEN ABLE TO BUILD UNDER THE RULES, BUT I WILL GO OUT THERE AND TALK WITH THEM.

Mayor Wynn: THANK YOU, SIR. WELCOME.

MY NAME'S RICHARD MAYOR. OF COURSE YOU ALREADY KNOW THAT. I IN MY ROLE WITH MY EMPLOYER, I AM CURRENTLY IN THE PROCESS OF DEVELOPING OVER 8,000 LOTS IN CENTRAL TEXAS. SO I KNOW A LITTLE BIT ABOUT DRAINAGE. AND DRAINAGE HAS NOTHING TO DO WITH F.A.R. DRAINAGE HAS EVERYTHING TO DO WITH IMPERVIOUS COVER. AND YOU CAN BUILD -- [APPLAUSE] YOU CAN BUILD A 4,000 SQUARE FOOT 3-STORY HOUSE THAT HAS LESS IMPACT ON THE DRAINAGE SYSTEM THAN A 2500 SQUARE FOOT ONE STORY HOUSE. [APPLAUSE] WITH ALL DUE RESPECT, I THINK THIS DRAINAGE IDEA IS BOGUS. [CHEERS AND APPLAUSE]. I THINK IT'S JUST CAMOUFLAGE FOR HAVING THIS SO-CALLED MORATORIUM, WHICH I THINK A LOT OF PEOPLE QUESTION THE LEGALITY OF. [CHEERS AND APPLAUSE] LET ME SAY I THINK WHAT'S GOING ON HERE IS

ROBBERY. I THINK IT ROBBS THE ELDERLY OF THEIR HOPE OF MAXIMIZING THE EQUITY IN THEIR HOME WHEN THEY SELL IT SO THAT THEY CAN MOVE ON. [APPLAUSE] I THINK IT ROBBS OUR SCHOOLS, THE HOSPITAL DISTRICT, THE TAXPAYERS OF THE CITY BECAUSE IT MOST DEFINITELY REDUCES PROPERTY VALUES AND AD VALOREM TAX BASE. I DID A LITTLE RESEARCH. I LIVE IN TRAVIS HEIGHTS AND LAST WEEKEND I WALKED MY NEIGHBORHOOD AND I WROTE DOWN A LOT OF ADDRESSES OF HOMES THAT WERE VERY SMALL ON RATHER SMALL LOTS. AND I LOOKED THEM UP ON TCAD TO SEE WHAT THE RELATIONSHIP WAS BETWEEN THE LAND VALUE AND THE STRUCTURE VALUE. AND IN MOST CASES, THE LAND WAS VALUED AT TWO AND A HALF TO FOUR TIMES WHAT THE STRUCTURE WAS VALUED AT. AND I DID SOME F.A.R. CALCULATIONS AND A 2500 SQUARE FOOT CALCULATION AND I DISCOVERED THAT IN GENERAL MOST OF THOSE HOUSES WOULD HAVE TO HAVE AT LEAST 100,000-DOLLAR REDUCTION IN THEIR PROPERTY VALUES. SO IF I WAS ONE OF THOSE PEOPLE, I THINK TOMORROW AFTER I HEAR WHAT IS GOING ON TONIGHT, I'D BE MAKING A BEELINE OVER TO TCAD AND SAYING TO ART COREY, HEY, I NEED A BIG TAX REFUND THIS YEAR. AND THE ROBBERY CONTINUES. I THINK THIS ROBBS PEOPLE WHO PLANNED TO REDEVELOP THEIR PROPERTIES FOR YEARS. I THINK ONE GENTLEMAN MADE A COMMENT EARLIER ABOUT A PERSON WHO HAD LIVED IN A PROPERTY FOR OVER 30 YEARS AND FINALLY PUT THAT SECOND STORY ON THAT MADE IT A HOUSE THAT WOULD CURRENTLY VIOLATE THIS RULE, YET IT IS A VERY ATTRACTIVE HOUSE. IN FACT, I WENT BY AND LOOKED AT THAT HOUSE EARLIER TODAY. IT'S BEAUTIFUL, FITS WITH THE NEIGHBORHOOD. I THINK THIS ORDINANCE ROBBS PEOPLE WHO BOUGHT SMALLER HOUSES IN THE LAST FEW MONTHS AND WHO HAVE SPENT AN AWFUL LOT OF TIME AND EFFORT AND EXPENSE ON DEVELOPING PLANS, BUT THEY DIDN'T MAKE IT INTO THE WIRE THIS AFTERNOON GETTING THE PERMIT APPLICATION FILED. [APPLAUSE] I THINK IT ROBBS THOSE BUILDERS AND REMODELERS WHO BOUGHT HOUSES WITH A SPECIFIC INTENT TO TO REBUILD OR REMODEL, BUT NOW THEY CAN'T DO IT. [APPLAUSE] I THINK IT ROBBS THOSE REALTORS WHO HAVE WRITTEN CONTRACTS IN THE LAST 30 DAYS AND THEY'RE SITTING AT THE TITLE COMPANY SITTING TO CLOSE AND THEY'RE PEOPLE WHO

BOUGHT A HOUSE SPECIFICALLY FOR REMODELING OR TEAR DOWN AND NOW ALL OF A SUDDEN THAT DEAL IS NOT GOING TO CLOSE. [CHEERS AND APPLAUSE]. BUT MOST OF ALL, I THINK THIS ROBS OF COUNCIL OF ITS CREDIBILITY. [CHEERS AND APPLAUSE] I THINK MASSACRE RAIDING THIS AS A DRAINAGE PROBLEM IS DOWN RIGHT SHAMEFUL. [CHEERS AND APPLAUSE] ON THE OTHER HAND, MR. MITCHELL MADE A LOT OF GOOD COMMENTS EARLIER TODAY. I THINK THERE'S A LOT OF UGLY HOUSES THAT HAVE BEEN BUILT IN THIS CITY. THERE'S ONE GOING UP ACROSS THE THE STREET FROM ME, AND THE ONLY REASON THEY WERE ABLE TO BUILD IT IS IMAWS MY NEIGHBORHOOD ASSOCIATION GAVE THEM A VARIANCE TO BUILD THIS UGLY THING. I DON'T HAVE TO LIVE IN IT, BUT UNFORTUNATELY I HAVE TO LOOK AT IT EVERYDAY, AND IT BLOCKS MY VIEW OF DOWNTOWN. SO DO I THINK THAT THERE IS ROOM FOR NEGOTIATION HERE? ABSOLUTELY. DO I THINK THAT THERE IS SOME JUNKY STUFF THAT'S BEEN BUILT? DO I THINK THERE'S SOME THINGS THAT HAVE BEEN OVERBUILT FOR THE NEIGHBORHOOD? ABSOLUTELY. BUT THIS IS NOT AN EMERGENCY, IT DOESN'T NEED A MORATORIUM. WHAT IT NEEDS IS CONCRETE, GOOD INPUT FROM THE COMMUNITY. THE NEIGHBORHOODS, THE DEVELOPMENT COMMUNITY, THE ARCHITECTS, THE PEOPLE THAT HAVE A VESTED INTEREST IN THE EQUITY IN THEIR HOME, AND I STRONGLY RECOMMEND THAT THE COUNCIL PUT THIS OUT OF THEIR MIND, FORGET ABOUT THE MORATORIUM, FORM THE CITIZENS' COMMITTEE. I VOLUNTEER TO BE ON IT AND I'M SURE THERE'S A LOT OF OTHER PEOPLE WHO VOLUNTEER TO BE ON IT. BECAUSE I THINK WE CAN GIVE VERY GOOD INPUT THAT WILL COME UP WITH AN ORDINANCE THAT WILL WORK FOR EVERYBODY. THANK YOU. [CHEERS AND APPLAUSE]

Mayor Wynn: COUNCIL, THAT WOULD ABOUT TAKE US TO OUR HOUR, BUT BASED ON THE NUMBER OF -- BASED ON THE NUMBER OF FOLKS WHO ARE STILL STANDING IN LINE AND HAVE BEEN STANDING IN LINE FOR AN HOUR TO SPEAK, SOMEBODY MENTIONED IT EARLIER, BUT -- AND THIS ISN'T HOW WE COUNT ANYWAY, BUT THERE'S ABOUT 260 FOLKS SIGNED UP AGAINST, 93 PEOPLE SIGNED UP IN FAVOR, EIGHT PEOPLE SIGNED UP NEUTRAL, BLESS THEIR HEARTS. [

LAUGHTER] THEY'RE THE ONES WHO LEFT EARLY AND SITTING OUT IN THE BACK. I'D ENTERTAIN AN IDEA OR A MOTION -- OBVIOUSLY WE HAVE FOLKS STILL STANDING IN LINE. I WANT TO BE RESPECTFUL TO AS MUCH OF THIS INPUT AS WE CAN. COUNCILMEMBER LEFFINGWELL?

Leffingwell: MAYOR, I WOULD MOVE TO EXTEND THE TIME FOR THOSE IN OPPOSITION TO ALLOW THREE MINUTES EACH FOR THOSE ALREADY IN LINE.

Mayor Wynn: SO MOTION MADE TO AMEND THE COUNCIL RULES AGAIN AND THESE FOLKS WHO ARE STANDING IN LINE WHO WANT TO ADDRESS US IN OPPOSITION WILL BE GIVEN THREE MINUTES APIECE, AND MY RECOMMENDATION IS WE ALLOW THAT TIME FOR FOLKS WHO MIGHT WANT TO TESTIFY IN FAVOR OF THE IDEA AS WELL.

Leffingwell: IF THAT'S A FRIENDLY AMENDMENT, THAT'S ACCEPTABLE.

Mayor Wynn: SO MOTION AND A SECOND ON THE TABLE TO FURTHER AMEND COUNCIL RULES REGARDING TESTIMONY. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO. WELCOME. YOU WILL HAVE THREE MINUTES. PLEASE STATE YOUR NAME FOR THE RECORD.

MY NAME IS VELDA VOSA. AND I'M AN IMMIGRANT. BEEN LIVING IN AUSTIN 11 YEARS. I'M THE NEIGHBORHOOD ASSOCIATION YEAR FOR EAST CENTRAL NEIGHBORHOOD ASSOCIATION, THE HOLLY CONTACT PLANNING TEAM AREA, AND THE FIRST THING THAT I WANT TO SAY IS I USED TO LIVE IN SOUTHWEST AUSTIN. MY VERY FIRST THOUGHT WHEN I CAME TO THE UNITED STATES IS WHEN I LOOKED AT ALL THESE HOUSES, I WALKED INTO A SUBDIVISION AND I THOUGHT, MAN, WHERE IS THE DIVERSITY? YOU GET LIKE EIGHT OR NINE PLANS, YOU CHOOSE ONE OF THESE PLANS AND THEY BUILT THE SAME OLD HOUSE. I MEAN, YOU CAN DRIVE AROUND A NEIGHBORHOOD, AND I THOUGHT WOW, AFRICA HAS SO MUCH BETTER, YOU KNOW, TO OFFER IN

HOUSE DESIGN. I WAS REALLY, REALLY CONCERNED ABOUT THAT. BUT BRINGING ME BACK TO EAST AUSTIN, OUR FAMILY ENLARGED, WE HAVE FOUR CHILDREN NOW. SO WE WE NEEDED A LARGER HOME. WE MOVED TO EAST AUSTIN APPROXIMATELY THREE YEARS AGO, AND HERE IS MY CONCERN FOR OUR NEIGHBORHOOD. OUR NEIGHBORHOOD, WHEN I LOOKED AT THE PLAT, OUR AREA WAS CUT IN 1912. IF YOU READ THE PLAT, IT WOULD SAY WHITES ONLY, AND THAT WAS THE IDEA BACK IN 1912, WHITES ONLY FOR THAT AREA. 1928 THE CITY CHANGED THE MASTER PLAN AND PEOPLE OF COLOR WERE SENT TO EAST AUSTIN. AND THAT AGAIN WAS A MISTAKE. THE SAME MISTAKE THAT WAS MADE IN 1912, TO LIMIT IT OR TO PUT A RESTRICTION ON AN AREA, WHICH WAS NOT I THINK CORRECT. AND THE SAME THING HAPPENED IN 1928. NOW AGAIN ALL THE PEOPLE THAT LIVE IN EAST AUSTIN, GENTRIFICATION IS TAKING PLACE. MOST OF THE HOMES ARE DATING BACK FROM 1912. NOW WE ARE BEING TOLD, YOU KNOW, THAT WE CAN'T DEMOLISH HOUSES AND BUILD A MORE SUITABLE HOUSE TO FIT A FAMILY OF FOUR OR -- YOU KNOW. I THINK IT TAKES AWAY FROM THE EQUITY FOR THE PEOPLE. EVEN THOUGH IT DOESN'T MATTER HOW WE WANT TO LOOK AT IT, MOST OF US WANT TO BE ABLE TO AFFORD IN TIME PROBABLY THE PROPERTY TAXES IN EAST AUSTIN, MOST FAMILIES WILL NOT BE ABLE TO AFFORD IT. AND SO THE PROBLEM WITH THAT IS THAT YOU TAKE AWAY THE RESALE VALUE, THE EQUITY. MAYBE THE VERY LAST THING SOME OF THOSE PEOPLE WILL HAVE TO OFFER THEM A BETTER LIFE SOMEWHERE ELSE. THE OTHER THING IS IF I LOOK -- I WANT TO COME BACK TO MY VERY FIRST POINT THAT I MADE. THE LOTS THAT ARE IN EAST AUSTIN WAS CUT IN 1912 WHEN PEOPLE DID NOT HAVE CARS OR GARAGES. WE ARE VERY -- THE DESIGN OF THE HOUSES, WE REALLY HAVE TO THINK ABOUT MY LOT. MY LOT IS 40 FEET WIDE. I HAVE TO BUILD FIVE FEET FROM EACH SIDE. I HAD TO BUILD A HOUSE 30 FEET WIDE, 3,100 SQUARE FOOT HOME. I MEAN, IT IS CHALLENGING, THE HOUSE DESIGN. WE SEE MORE DIVERSITY IN EAST AUSTIN IN HOUSE DESIGN THAN WE SEE IN CIRCLE C OR IN OTHER AREAS.

Mayor Wynn: PLEASE CONCLUDE, MA'AM. [APPLAUSE]

IF I CAN JUST ASK TWO MORE THINGS.

Mayor Wynn: PLEASE CONCLUDE, WE NEED TO BE RESPECTFUL OF EVERYBODY'S TIME.

IF YOU CONSIDER THE LOT SIZE IN OUR AREA, THE LOT SIZES ARE VERY UNIQUE. IF YOU COULD ACTUALLY INCREASE THE FAR FROM 0.4 TO 0.5 OR 0.67. THE OTHER THING THAT MIGHT BE HELPFUL TO FAMILIES IN OUR AREA TO CONTINUE LIVING IN THE AREA IS TO ACTUALLY ENLARGE THE GRANNY FLAT OR THE SECONDARY UNIT FROM 550 SQUARE FEET TO 850 SQUARE FEET. BECAUSE THAT WILL HELP THEM GAIN THE RENTAL UNIT AND -- JUST ONE LARGE THING. PLEASE DON'T BOX US IN 1912, THE DESIGNS OF 1912. THE CITY INVOLVES. YOU CANNOT EXPECT US TO HAVE THE CHARACTER OF 1912.

Mayor Wynn: THANK YOU, MA'AM. COUNCILMEMBER ALVAREZ.

Alvarez: THIS IS JUST A SUGGESTION SINCE WE DEVIATED FROM OUR NORMAL PROCESS OF JUST TAKING EVERYBODY IN ORDER, BUT SINCE WE ORIGINALLY SET OUT TO ALLOW ONE HOUR FOR EACH SIDE, I WAS GOING TO SEE IF WE COULD HEAR FROM THE OTHER SIDE OF THE ISSUE AND THEN COME BACK AND JUST GO IN ORDER THAT PEOPLE SIGNED UP, WHICH IS USUALLY WHAT WE DO. WE DON'T USUALLY HAVE ONE SIDE SPEAK FIRST AND ANOTHER SPEAK SECOND ON THESE KIND OF PUBLIC HEARINGS. BUT I ALSO BELIEVE SINCE WE DID SEPARATE IT OUT THESE WAY, TO GIVE THE OTHER POINT AN HOUR AND THEN WE CAN START GOING IN ORDER THAT PEOPLE ARRIVED. BUT MAYBE AFTER THE NEXT SPEAKER OR TWO MAYBE WE COULD GIVE THE OTHER SIDE AN OPPORTUNITY TO VOICE THEIR VIEWS. [APPLAUSE] AGAIN, I JUST SAY THAT BECAUSE OTHERWISE THEN THAT PARTICULAR VIEWPOINT WON'T GET REPRESENTED UNTIL ABOUT MIDNIGHT OR 1:00 A.M. AND THAT'S NOT REALLY BEING FAIR TO EVERYONE INVOLVED HERE. [APPLAUSE]

Mayor Wynn: COMMENTS? COUNCIL? I'LL ENTERTAIN A MOTION IF THAT'S THE WILL. I APPRECIATE COUNCILMEMBER ALVAREZ'S POINT BECAUSE WE'RE TRYING TO BE RESPECTFUL OF FOLKS' TIME EARLIER, BUT NOW WITH -- RECOGNIZING HOW MANY FOLK WANTING TO SPEAK EVEN THOUGH THERE'S GOING TO BE CONTINUATION OF PUBLIC

DISCUSSION FOR A COUPLE OF WEEKS, BASED ON HOW WE STARTED, IT WOULDN'T BE FAIR TO NOT AT SOME POINT GET THE SUPPORTIVE VIEW FOR SOME LIMITED PERIOD OF TIME, SOME EQUAL PERIOD OF TIME. IF COUNCIL WANTS TO, THEN OPEN IT UP TO ANYBODY WHO WANTS TO STAY HERE AS LONG AS THEY WANT TO PERHAPS TO GET THEIR COMMENTS IN. SO WHY DON'T WE HAVE THE TWO GENTLEMEN STANDING HERE, WHY DON'T WE TAKE THESE TWO. IN SUPPORT OF COUNCILMEMBER ALVAREZ'S POINT, I WOULD RECOMMEND WE ENTERTAIN THESE TWO GENTLEMEN, THEN GO BACK TO THE FOLKS WHO WANT TO SPEAK IN SUPPORT OF THIS FOR AN EQUAL AMOUNT OF TIME THAT WE'VE BEEN HERE AND THEN OPEN IT UP FOR COUNCIL SO DESIRES. COUNCILMEMBER MCCRACKEN.

McCracken: I WOULD BE FINE AFTER THESE TWO GENTLEMEN HEARING FROM THE SUPPORTERS FOR AN HOUR. AND FOR THE FOLKS WHO ARE CURRENTLY STANDING UP, LETTING THEM SPEAK AT THE CONCLUSION OF THE HOUR, PLUS THE OVERAGE THERE, BUT I THINK EVERY DELIBERATIVE BODY IN THE WORLD SETS A REASONABLE TIME LIMIT ON DEBATE ON ISSUES AND I THINK WE HAVE HERE. AND SO WHAT I PROPOSE IS IF WE'RE GOING TO DO THAT, LET'S LET THE FOLKS CURRENTLY STANDING SPEAK AFTER THE HOUR FOR THE PROPONENTS. AND THEY CAN SIGN UP WITH MS. GENTRY.

Mayor Wynn: COUNCIL? LIKE COUNCILMEMBER MCCRACKEN SUGGESTED, TAKING THE TWO GENTLEMEN AT THE PODIUM. THE FOLKS WHO HAVE BEEN STANDING UP SIGN UP WITH MS. BROWN --

McCracken: IT'S GENTRY NOW MAYOR.

Mayor Wynn: AND THEN AFTER WE TAKE THE TESTIMONY, THE BLOCK OF TIME AND TESTIMONY FROM FOLKS WHO ARE IN SUPPORT, THEN WE'LL GO BACK TO THESE FOLKS AND TO THE EXTENT THAT THE COUNCIL WANTS TO CONTINUE RECEIVING TESTIMONY, WE CAN GO AS LATE AS WE WANT. AGAIN, I APOLOGIZE FOR THE CONFUSION. WE'RE TRYING TO BE EFFICIENT AND EFFECTIVE WITH IT AND IT'S STARTING TO UNRAVEL.

Leffingwell: I HAVE NO OBJECTION TO THAT, AND FURTHER, I DON'T SEE HOW IT'S CONTRARY TO THE MOTION WE JUST PASSED. ALL WE DID WAS ALLOW THREE MINUTES FOR ALL THE PEOPLE WHO ARE NOW STANDING IN LINE, DIDN'T SAY IT HAD TO BE RIGHT NOW. SO I THINK IT WOULD BE A GOOD IDEA TO HEAR AN HOUR FROM THE OTHER SIDE AND THEN GO BACK AND DO THAT. I DON'T SEE ANY PROBLEM WITH THAT. I WOULD ADD THAT ONCE WE EXCEED THE HOUR THAT WE PUT A STRICTLY THREE MINUTE LIMIT.

Mayor Wynn: FAIR YUF. WE'LL TAKE THESE TWO GENTLEMEN. THE BOARD COMMISSION ROOM HAS NOW BEEN VACATED, SO THERE'S PLENTY OF SEATING FOR FOLKS IN THE BACK IF YOU WANT TO SIT AND GO AND LISTEN AND WATCH TESTIMONY. AGAIN, I'LL POINT OUT OCCASIONALLY YOU WILL SEE A COUNCILMEMBER OR MYSELF LEAVE THE DAIS. WHEN WE GO BACK HERE BEHIND, WE ALSO SEE AND HEAR TESTIMONY AS WELL. SO WE'RE GETTING IT ALL EVEN THOUGH WE MAY NOT BE PRESENT AT THE TIME. SORRY FOR THE DELAY. APPRECIATE YOUR PATIENCE. WELCOME.

THANK YOU, MAYOR, CITY COUNCIL. MY NAME IS WALTER WILLIAMS AND I'M A 15-YEAR RESIDENT OF THE PEMBERTON HEIGHTS, BRYKER WOOD AREA. I'VE HEARD SOME VERY PERSUASIVE ARGUMENTS FOR OUR SIDE. IT OCCURS TO ME THAT IT MAKES THE MOST SENSE TO HEAR ALL THE PERSUASIVE ARGUMENTS FROM BOTH SIDES AND HAVE THOSE PEOPLE SIT DOWN AND TALK ABOUT THIS RATHER THAN MAKE WHAT IN MY VIEW IS A RASH DECISION TONIGHT OR IN THE VERY, VERY NEAR FUTURE. NOW, CITY COUNCIL AND THIS CITY SPENDS MILLIONS OF DOLLARS A YEAR ON CONSULTANTS FOR THINGS THAT SOMETIME IN MY VIEW THEY DON'T NEED TO SPEND MONEY ON. AND YOU'VE GOT HUNDREDS OF PEOPLE HERE THAT ARE WILLING TO VOLUNTEER THEIR EXPERTISE ON THIS ISSUE, AND THEY'VE GOT SPECIFIC EXPERTISE ON THIS ISSUE, AND IT WOULD SEEM TO MAKE A LOT OF SENSE TO LISTEN TO THAT EXPERTISE RATHER THAN MAKE A RASH DECISION BASED ON A PHANTOM EMERGENCY. I JUST DON'T SEE THE RUSH. I DON'T SEE WHERE THERE'S A TRUE LITERAL EMERGENCY. THERE MAY BE SOME TECHNICAL LEGAL EMERGENCY, BUT I DON'T SEE A REAL LIVE EMERGENCY. IT'S JUST NOT THERE. NOW, I WALK PEMBERTON HEIGHTS AND I DRIVE THROUGH

PEMBERTON HEIGHTS AND I DRIVE THROUGH TARRYTOWN ALMOST EVERYDAY. AND SURE, THERE ARE SOME HOUSES BEING BUILT THAT I DON'T LIKE AND THERE ARE SOME HOUSES BEING BUILT THAT KIND OF ARE PRETTY AGGRESSIVE IN THE WAY THAT THEY TAKE UP IMPERVIOUS COVER AND HOW HIGH THEY ARE, BUT ON BALANCE THE NEIGHBORHOOD LOOKS A HECK OF A LOT BETTER THAN IT DID 15 YEARS AGO. [APPLAUSE] I'M ALSO A LITTLE CONCERNED ABOUT THE MOVING TARGET OF THIS INTERIM ORDINANCE, I GUESS WE'RE CALLING IT NOW. SATURDAY WHEN I READ THE NEWSPAPER AND NEARLY HAD A HEART ATTACK, I READ ABOUT THIS MORATORIUM WHERE NO ONE WAS GOING TO GET TO BUILD ANYTHING UNLESS YOU WANTED TO ADD A 100-FOOT -- I GUESS A LITTLE 100 SQUARE FOOT DEAL. NOW WE'VE GOT THIS MOVING TARGET ABOUT .4 FAR. I DON'T REALLY UNDERSTAND WHAT FAR IS. YOU'RE SENDING PEOPLE OUT INTO THE HALLWAY TO HAVE SOMEONE ELSE EXPLAIN IT TO THEM AND TELL THEM WHETHER OR NOT IT'S GOING TO COMPLY WITH THE NEW ORDINANCE THAT FRANKLY I DON'T THINK MUCH CONSIDERATION HAS BEEN GIVEN TO, AND IT JUST SEEMS TO ME THAT WE'RE TRYING TO SNEAK ONE IN HERE ON THE PEOPLE OF AUSTIN, AND I DON'T THINK IT'S FAIR AND I DON'T THINK IT'S RIGHT, AND I THINK EVERYBODY OUGHT TO TAKE A DEEP BREATH AND THINK ABOUT THIS A LITTLE BIT MORE BECAUSE THERE IS NO CRISIS, THERE IS NO EMERGENCY. [APPLAUSE]

GOOD EVENING, COUNCIL. MY NAME IS DANIEL TURNER. GOOD EVENING, MR. MAYOR. I WANT TO THANK YOU FOR HEARING OUR TESTIMONY TONIGHT. I'M A DESIGN PROFESSIONAL AND I JUST WANT TO LET YOU KNOW THAT MY LIVELIHOOD IS TIED DIRECTLY TO THE PROJECTS THAT WE'RE DISCUSSING THIS EVENING. FORTUNATELY I CAN'T CLAIM ANY OF THE PROJECTS THAT COUNCILMEMBER MCCRACKEN SHOWED, BUT I WANT TO LET YOU KNOW THAT I ALSO HAVE READ THE BOOK THE RISE OF THE CREATIVE CLASS, AND I THINK THAT AUSTIN IS ONE OF THOSE CITIES AND I THINK THE THINGS THAT MAKE IT ONE OF THOSE CITIES IS THE THING THAT DENSITY DOES. AND SO THIS IS VERY ANTI-DENSITY. IT'S VERY PRO SUBURBAN SPRAWL. IT MIGHT NOT BE DIRECTLY THAT, BUT INDIRECTLY IT IS. IN

ADDITION TO MY LIVELIHOOD AS A DESIGN PROFESSIONAL, OTHER PEOPLE ARE GOING TO BE AFFECTED, AND I DON'T KNOW THAT WE HAVE THOUGHT ABOUT ALL THOSE, SO I JUST MADE A QUICK LIST WHILE I WAS WAITING IN LINE. REALTORS, DRYWALLERS, STONE MASONS, ELECTRICIANS, ENGINEERS, WELDERS, PLUMBERS, APPRAISERS, CONCRETE LABORERS, CARPENTERS, HOME MOVERS, LOAN OFFICERS, TILE ART SANS, INTERIOR DESIGNERS, BRICK LAYERS, MANUFACTURERS, PAINTERS, LANDSCAPERS, CARPET LAYERS, FRAMERS, LIGHTING CONSULTANTS, TAXPAYERS, CITIZENS AND CONSTITUENTS. WE'RE ALL GOING TO BE NEGATIVELY AFFECTED BY THIS VERY DRASTIC CONSIDERATION OF A MORATORIUM. AND I JUST WANT TO MAKE SURE THAT YOU GUYS ARE AWARE OF THAT. [APPLAUSE] AS DESIGN PROFESSIONALS, WE'RE AWARE THAT CATS NEED SUNLIGHT AND PLANTS NEED SUNLIGHT AND PEOPLE NEED SUNLIGHT. I DON'T WANT TO STAND UP HERE AND SAY THAT I'M OPPOSED TO GOOD DESIGN, EVEN TO LEGISLATION THAT IS DIRECTED TOWARDS GOOD DESIGN, BUT I'M VERY OPPOSED TO THIS EMERGENCY STEP THAT WOULD SEIZE AND NEGATIVELY AFFECT -- WOULD CEASE AND NEGATIVELY AFFECT OUR ECONOMY. [APPLAUSE]

Mayor Wynn: SO NOW WE'RE GOING TO SET THE CLOCK FOR AN HOUR, AND JUST GET COLLECTIVE TESTIMONY FROM FOLKS WHO ARE IN SUPPORT OF THE ORDINANCE. AND MANY PEOPLE ARE IN SUPPORT OF THE IDEA, THERE'S TESTIMONY AGAINST TECHNICALS OF THE PROPOSED ORDINANCE AND THEN BEYOND THAT, SO TAKE AN HOUR OF TESTIMONY ESSENTIALLY IN FAVOR OF WHAT THE PROPOSAL IS AND THEN WE'LL GO BACK TO SOME FOLKS WHO WANTED TO SPEAK IN OPPOSITION AND THEN COUNCIL MAY OPEN IT UP FOR EVEN MORE TESTIMONY. AND LIKELY LOTS OF QUESTIONS OF STAFF. SO PLEASE STATE YOUR NAME FOR THE RECORD AND WE HAVE THE CLOCK SET FOR AN HOUR.

THANK YOU, MAYOR WYNN AND COUNCILMEMBERS. MY NAME'S FRAN HANDLIN. I'M WITH THE RIDGEWAY NEIGHBORHOOD ASSOCIATION AND I'M HERE TO SPEAK IN FAVOR OF THIS ORDINANCE, AND I WANT TO THANK THE COUNCILMEMBERS WHO CO-SPONSORED IT. I JUST VN

STANDING HERE LISTENING TO ALL THE TESTIMONY AGAINST IT AND I FIND IT A LITTLE HUMOROUS THAT ALMOST EVERYBODY SAID SOMETHING TO THE EFFECT THAT, OH, THERE'S A LOT OF BAD STUFF BEING BUILT, I REALIZE THAT. AND THAT'S WHAT WE'RE CONCERNED WITH HERE IS THE BAD STUFF. IF YOU'RE BUILDING STUFF THAT FITS INTO THE NEIGHBORHOOD AND IS COMPATIBLE, THEN YOU SHOULDN'T BE WORRIED ABOUT THIS, BUT UNFORTUNATELY THAT'S NOT WHAT'S HAPPENING AND THAT'S NOT WHAT'S HAPPENING IN MY NEIGHBORHOOD. I LIVE IN THE RIDGEWAY NEIGHBORHOOD. IT'S A SMALL INNER CITY NEIGHBORHOOD THAT BORDERS ON SHOAL CREEK, AND WE DO FEEL LIKE THIS IS AN EMERGENCY. IN THE LAST FEW YEARS WE'VE HAD 10 SINGLE-FAMILY HOMES EITHER BULLDOZED OR MOVED. I DON'T KNOW WHERE THEY'RE TAKING THEM TO, BUT THEY'RE TAKING THEM SOMEWHERE. AND THEY'VE MADE WAY FOR THE LARGER DEVELOPMENTS THAT THIS ORDINANCE IS ADDRESSING. WE'VE HAD ALMOST AN ENTIRE BLOCK MOVED OUT TO BUILD THESE BIG DEVELOPMENTS. THE OTHER THING THAT I WOULD TAKE ISSUE WITH THAT I'VE HEARD TONIGHT IS THAT THIS ISN'T A DRAINAGE ISSUE. I STRONGLY DISAGREE WITH THAT. AS A SHOAL CREEK NEIGHBORHOOD, WE HAVE HISTORICALLY HAD -- WE FEARED FLOODING FROM SHOAL CREEK. BUT THE LAST TIME HOMES IN OUR NEIGHBORHOOD FLOODED IT DIDN'T COME FROM THE CREEK, IT CAME FROM UPHILL, FROM THE STREETS THAT WEREN'T ABLE -- THE DRAINAGE -- THE STREET DRAINAGE INFRASTRUCTURE WASN'T ADEQUATE TO HANDLE THE RUNOFF, SO IT CAME THROUGH PEOPLE'S BACKYARDS AND INTO PEOPLE'S HOUSES. NOW, IF YOU WANT TO GO TO THOSE PEOPLE WHOSE HOUSES FLOOD AND TELL THEM THIS IS NOT AN EMERGENCY, THEN GO DO THAT, BUT I THINK THEY WOULD STRONGLY DISAGREE WITH YOU. THIS FLOODING THAT HAPPENED IN OUR NEIGHBORHOOD AS A RESULT OF THIS RUNOFF HAPPENED BEFORE THOSE LOTS WERE ALL BUILT OUT. TWO SEPARATE DEVELOPERS CAME IN. ONE BOUGHT FOUR CONTIGUOUS LOTS, THE OTHER BOUGHT TWO CONTIGUOUS LOTS, TOOK ALL THE HOUSES OUT -- THESE ARE SIX LOTS IN A ROW -- AND BUILT THEM OUT AT MAXIMUM IMPERVIOUS COVER, AND THAT'S AT THE HIGHEST POINT IN OUR NEIGHBORHOOD. SO YOU CAN SEE HOW WE'RE CONCERNED ABOUT THE

DRAINAGE ISSUE. WE HAVEN'T HAD A MAJOR RAINFALL AND IF WE EVER GET ONE AGAIN, WE MAY FIND OUT THE CONSEQUENCES OF THIS DEVELOPMENT, BUT YOU CAN SEE WHAT OUR CONCERN IS. WE DO SEE THIS AS AN EMERGENCY. WE DO SEE THIS AS A DRAINAGE ISSUE. CERTAINLY IT'S AN ISSUE OF COMPATIBILITY, BUT I THINK FOR PEOPLE TO STAND UP HERE AND SAY IT'S NOT A DRAINAGE ISSUE IS, AS THE GENTLEMAN SAID, BOGUS. [APPLAUSE] SO I WOULD CONCLUDE THAT WE NEED YOUR HELP, WE NEED YOUR HELP. WE APPRECIATE THAT YOU'RE TAKING THIS UNDER CONSIDERATION AND WE URGE YOU THAT THE NEIGHBORHOODS IN THE CITY, THE OLDER NEIGHBORHOODS -- I HAVE JUST ONE MORE THING TO SAY. I KNOW PEOPLE, MANY PEOPLE IN OUR NEIGHBORHOOD WHO LIVE IN SMALL HOMES AND THEY'VE ADDED ON BECAUSE THEIR FAMILIES ARE GROWING AND THEY DID IT RIGHT. THERE'S A WAY TO DO IT RIGHT. [APPLAUSE] AND UNFORTUNATELY A LOT OF WHAT WE'RE SEEING IS NOT THE RIGHT WAY TO DO IT, AND THAT'S WHAT WE'RE TRYING TO ADDRESS HERE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MA'AM. WELCOME.

GOOD EVENING. TECHNICALLY I PROBABLY SHOULD HAVE SPOKE ABOUT AN HOUR AND 10 MINUTES AGO, SO I THINK IF WE WOULD HAVE GONE BY REGULAR RULES. MY NAME IS DOLORES DAVIS. I AM THE PRESIDENT OF THE AUSTIN NARI, WHICH IS THE AUSTIN CHAPTER OF THE NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY. SO I'M HERE TODAY ON BEHALF OF THE REMODELERS HERE IN AUSTIN. THIS IS A NEUTRAL ISSUE FOR US ONLY BECAUSE WE ARE VERY CONCERNED ABOUT WHAT THE -- WHAT THESE INTERIM REGULATIONS MADE DO TO OUR REMODELERS, BUT ON THE OTHER HAND WE'RE VERY CONCERNED ABOUT OUR CLIENTS AS WELL, WHICH THE MAJORITY OF THEM ARE HOMEOWNERS. IT'S A DIFFICULT ISSUE BECAUSE WE THINK THAT FOR -- IN SOME WAYS IF WE COULD ALL SORT OF FOLLOW THE RULES AND BE THE GUIDELINES THAT THE CITY OF AUSTIN SET FORTH AS FAR AS CONSTRUCTION AND ZONING AND ORDINANCES AND IMPERVIOUS COVERAGE AND ALL THAT, WE MIGHT NOT HAVE THESE ISSUES. IT'S IMPORTANT THAT WE ALL TRY TO FOLLOW THE RULES AND GET ALONG AND GOVERN OURSELVES, BUT IT SEEMS LIKE

THAT'S NOT EXACTLY HAPPENING. AUSTIN NARI IS IN SUPPORT OF SMART GROWTH AND CREATING VITAL COMMUNITIES THROUGH INFILL AND CONSTRUCTION WITHOUT CHANGING THE ALREADY STRICT BUILDING REQUIREMENTS CURRENTLY SET FORTH BY THE CITY. WE'RE IN SUPPORT OF THE CONCERNS OF OUR NEIGHBORHOODS AND OUR NEIGHBORHOOD ASSOCIATIONS TO KEEP THE INTEGRITY OF THE NEIGHBORHOOD INTACT WHILE BUILDING NEW HOMES AND REMODELS. WE'RE IN SUPPORT OF THE CITY OF AUSTIN AS IT CONTINUES TO ENFORCE THE CURRENT RULES AND ORDINANCES FOR BUILDING CONSTRUCTION. IF THIS PARTICULAR NEGOTIATION -- I'M SORRY. IF THE INTERIM ORDINANCE PASSED THIS EVENING, AUSTIN NARI REQUESTS TO BE A PARTICIPANT ON BEHALF OF THE REMODELING INDUSTRY, AND WE'D LIKE TO HAVE A SEAT AT THAT TABLE TO HELP WITH ANY FUTURE CHANGES OR GUIDELINES THAT MAY HAPPEN. I DO WANT TO SAY THAT THIS IS AN IMPORTANT ISSUE. I UNDERSTAND TO EVERYONE AND THAT I APPRECIATE THE HARD WORK OF THE COUNCIL AND STAFF, AND I THANK YOU FOR YOUR TIME AND YOUR ATTENTION TO THIS VERY IMPORTANT MATTER. THANK YOU.

Mayor Wynn: THANK YOU, AND THANKS FOR YOUR PATIENCE.

MY NAME IS LAURIE (INDISCERNIBLE) AND I'M SPEAKING HERE AS AN INDIVIDUAL, ALTHOUGH I AM INTIMATELY INVOLVED WITH THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN. AND WE WERE REALLY WORRIED ABOUT IT AND ARE STILL WORRIED ABOUT IT. ME PERSONALLY, I'M GOING TO SUPPORT IT, BUT ONLY IF IT PASSES AS WRITTEN. THERE ARE PEOPLE WHO WANT TO COUPLE F.A.R. WITH SQUARE FOOT, AND MAKE IT TIGHTER, AND THE ONLY WAY I CAN SUPPORT THIS IS IF IT STAYS AS WRITTEN. BECAUSE IT WILL IMPACT AFFORDABILITY ON THE EAST SIDE AND WILL RESTRICT ABILITY OF FAMILIES TO REDEVELOP THEIR PROPERTIES TO BRING OTHER FAMILY MEMBERS BACK TO THE PROPERTY IN ORDER TO PAY THE HIGH TAXES THAT THESE TEAR DOWNS ARE STARTING TO CREATE IN OUR NEIGHBORHOOD. SO PLEASE MAKE SURE YOU DON'T COUPLE OR CHANGE ANYTHING IF YOU'RE GOING TO PUT A MORATORIUM ON US. AND WE BELIEVE THAT ONCE THE FINAL ORDINANCE IS HAMMERED OUT BY THE SOON TO BE

NAMED TASKFORCE, WE HOPE THAT EAST SIDERS HAVE EQUAL REPRESENTATION ON THAT TASKFORCE, INCLUDING OUR AFFORDABLE HOUSING HOME DEVELOPERS AND THAT NEIGHBORHOOD PLANNING TEAMS SHOULD BE ABLE TO OPT IN, OPT OUT OR MODIFY WHATEVER IS FINALLY ADOPTED. I WAS GLAD TO HEAR GREG SAY SECONDARY UNITS ARE NOT AN ISSUE, AND I WANT TO GIVE YOU A HEAD'S UP THAT THE CITY-WIDE CHANGE TO THE GARAGE APARTMENT, LIMITING IT TO 550 FEET BROADSIDED OUR NEIGHBORHOOD TEAM. WE HAD ALREADY ADOPTED OUR PLAN AND HAD BEEN BUILDING 850 SQUARE FOOT GARAGE PAYMENTS AND DIDN'T FIND OUT -- APARTMENTS AND DIDN'T FIND OUT UNTIL TWO MONTHS AGO THAT THE CITYWIDE CHANGE AFFECTED OUR ALREADY ADOPTED NEIGHBORHOOD PLAN. AND FINALLY, I JUST WANT TO SAY THAT ALL OF THIS FIGHTING THINGS OUT AT THE CITY COUNCIL WAS SUPPOSED TO BE WHY NEIGHBORHOOD PLANNING TEAMS WERE GOING TO BE PUT TOGETHER. [APPLAUSE] EVERY NEIGHBORHOOD IS DIFFERENT AND REALLY -- AND IF YOU WOULD TAKE NEIGHBORHOOD PLANNING ONE STEP FURTHER AND MAKE OUR VOLUNTARY DESIGN GUIDELINES MANDATORY, WHICH YOU WERE ABLE TO ACCOMPLISH IN COMMERCIAL BUILDINGS, THEN I THINK WE WOULDN'T HAVE EVEN BEEN HERE TONIGHT. SO PLEASE -- AND IN THE INTERIM, IN THE VARIANCE, IF PEOPLE HAVE TO GO AND SEEK A VARIANCE, I WOULD HOPE THAT YOU WILL DEVELOP A PROCEDURE THAT FAMILIES WHO COULD BE AFFECTED AND NOT FOR PROFIT AFFORDABLE HOUSING DEVELOPERS ARE NOT REQUIRED TO PAY THE 400-DOLLAR FEE OR 380 OR WHATEVER IT IS, NEAR \$400 TO TAKE A CASE FOR A VARIANCE, TO APPLY FOR A VARIANCE. I WOULD APPRECIATE -- AND I THINK IT'S DOABLE -- TO GET THE NEIGHBORHOOD PLANNING TEAMS TO DEAL WITH VARIANCES FOR THE INTERIM ORDINANCE, AND IF THE NEIGHBORHOOD PLANNING TEAM GIVES IT A STAMP OF APPROVAL, STAFF SHOULD LET IT GO. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU.

HELLO, I'M LORRAINE ATHERTON. I LIVE ABOUT A BLOCK WEST OF SOUTH LAMAR. THE TWO MOST IMPORTANT WORDS IN THE ORDINANCE THAT YOU'RE CONSIDERING ARE "IN ADEQUATE DRAINAGE". I BROUGHT FOR MY SHOW AND

TELL THIS EVENING THE NINE PAGES OF SETTLEMENT AGREEMENT IN MY LAWSUIT AND A COPY OF A TEMPORARY RESTRAINING ORDER, JUST SO YOU ALL WILL KNOW WHAT IT LOOKS LIKE FROM THE LAWSUIT THAT MY DOWNSTREAM NEIGHBOR AND I WERE FORCED TO BRING AGAINST THE DUPLEX DEVELOPMENT BEHIND MY HOUSE BECAUSE IT DUMPED HUGE AMOUNTS OF RUNOFF ON OUR PROPERTIES AND ALMOST DESTROYED MY NEIGHBORS' FOUNDATION. IT TOOK TWO YEARS TO GET THIS SETTLEMENT, BUT MY NEIGHBOR STILL CANNOT START PERMANENT REPAIRS ON HER HOUSE BECAUSE THE DEVELOPER STILL HASN'T FIXED THE DRAINAGE PROBLEM. THE PROPOSED ORDINANCE WOULD NOT HAVE PREVENTED THE FLOODING AND DAMAGE TO MY NEIGHBOR'S HOUSE. THE OFFENDING DUPLEXES ARE UNDER 2,500 SQUARE FEET PER SIDE. ESPECIALLY WHEN YOU SUBTRACT THE GARAGES FROM THE TOTAL, WHICH IS HOW CITY STAFF INTERPRETS THESE THINGS. I CAN'T DISCUSS THE DETAILS OF MY SETTLEMENT, BUT I CAN DISCUSS THIS SINGLE SHEET, THE FEE IN LIEU OF WATER QUALITY CONTROLS CALCULATION, WHICH CITY STAFF MAKES FOR ESSENTIALLY ANY RESIDENTIAL DEVELOPER WHO WANTS ONE. IF THIS SUBDIVISION HAD BEEN REQUIRED TO INSTALL ADEQUATE DRAINAGE IMPROVEMENTS AT THE START, IT WOULD NOT HAVE CAUSED THE DAMAGE DOWNSTREAM AND THIS INFILL PROJECT COULD HAVE BEEN BUILT OUT AND OCCUPIED BY THE END OF 2004 INSTEAD OF TIED UP IN LAWSUITS, WHICH IT STILL IS. BUT IN SINGLE-FAMILY ZONING, STAFF ROUTINELY GRANTS A FEE IN LIEU OF WHETHER THE EXIST WILLING INFRASTRUCTURE WARRANTS IT OR NOT. THAT'S WHAT THIS MORATORIUM SHOULD ADDRESS. PUT A MORATORIUM ON FEES IN LIEU OF. PUT A MORATORIUM ON ADMINISTRATIVE VARIANCES AND SITE PLAN EXEMPTIONS AND SIDEWALK VARIANCES AND EVERY OTHER LOOPHOLE THAT CITY STAFF ROUTINELY APPLIES TO AREAS WITH INADEQUATE INFRASTRUCTURE. [APPLAUSE] WHILE YOU'RE AT IT, RESCIND THE NONSUBSTANTIVE, PLAIN ENGLISH REWRITE OF THE LAND DEVELOPMENT CODE, WHICH IS MAKING THINGS EVEN WORSE. THANK YOU. [APPLAUSE]

I KNOW MR. MAYOR STEPPED OUT, BUT GOOD EVENING, MAYOR, COUNCILMEMBERS, ASSISTANT CITY MANAGER. MY

NAME IS FELISHA ADAMS AND I LIVE IN THE ROSEDALE NEIGHBORHOOD. I'M CO-PRESIDENT OF THE ROSEDALE NEIGHBORHOOD ASSOCIATION AND I'D LIKE TO SPEAK TO YOU ON BEHALF OF OUR NEIGHBORHOOD ASSOCIATION, BUT FIRST I'D LIKE TO MAKE A COUPLE OF PERSONAL COMMENTS. THAT FLOODING SCENE THAT WAS SHOWN EARLIER IN THE DRAINAGE DISCUSSION IS NEAR MY HOUSE, AND MY HOUSE ALSO FLOODED IN 2001 IN AUGUST. IT ALSO FLOODED IN NOVEMBER OF 2001 AND IT'S FLOODED TWICE SINCE THEN. I'VE HAD TO SPEND AN ENORMOUS AMOUNT OF MONEY TRYING TO DO SOME KIND OF COMMERCIAL DRAINAGE RIGHT AROUND MY HOUSE. THE FLOODING IS NOT FROM THE CREEK AND IT'S NOT FROM THE STREET, NOT MY STREET ANYWAY. IT'S FROM DEVELOPMENT IN OUR NEIGHBORHOOD THAT'S HAPPENED OVER THE PAST 10, 15 YEARS WHERE THEY MAXED OUT THE IMPERVIOUS COVER ON THE STREET BEHIND ME THAT'S ALSO HIGHER THAN ME. SO FOR THOSE OF YOU WHO SAY THIS IS NOT ABOUT DRAINAGE, YOU DON'T LIVE WHERE I LIVE. [APPLAUSE] AND I -- TO THE GENTLEMAN WHO SPOKE LAST OR NEXT TO LAST, I'M A CITIZEN, I'M A TAXPAYER, AND THIS DOES NOT NEGATIVELY IMPACT ME AT ALL. IN FACT, -- [APPLAUSE] AND THE WOMAN WHO SAID THIS NEGATIVELY IMPACTS THE EQUITY OF MY HOUSE, ON THE CONTRARY, IF THE HOUSES NEXT DOOR TO ME OR THE BLOCK THAT I'M IN ARE SCRAPPED AND BIG HOUSES ARE BUILT AND IT INCREASES MY PROPERTY VALUE AND ALSO INCREASES MY PROPERTY TAXES, LIKE THE LADY THAT LIVES IN EAST AUSTIN, I'D HAVE TO MOVE TO SOMEPLACE BETTER, WHICH I DON'T WANT TO DO. I LIKE WHERE I LIVE JUST FINE. OKAY. SO I'LL GET OFF MY SOAPBOX ABOUT MY PERSONAL STUFF. THE ROSEDALE NEIGHBORHOOD ASSOCIATION OF WHICH I'M CO-PRESIDENT, OUR STEERING COMMITTEE MET AND WANT YOU TO KNOW THAT WE OFFICIALLY ENDORSE THE ADOPTION OF THE NEW COMPATIBILITY STANDARDS IN THE LAND DEVELOPMENT CODE, ALONG WITH APPROPRIATE INTERIM REGULATIONS TO GUIDE THE DEVELOPMENT OR THE REDEVELOPMENT OF PROPERTY IN A SINGLE-FAMILY ZONING DISTRICT. WE SUPPORT SUCH STANDARDS IN ORDER TO PRESERVE THE RESIDENTIAL NATURE OF SF ZONING DISTRICTS AND TO PROTECT ADJACENT PROPERTY OWNERS FROM THE ADVERSE EFFECTS OF THE STRUCTURES THAT ARE

INHERENTLY INCOMPATIBLE WITH THE SF DISTRICT. WE RECOMMEND THAT IN DEVELOPING THOSE STANDARDS, CITY STAFF CONSIDER FLOOR-TO-AREA RATIO LIMITATIONS AS WELL AS ADDITIONAL HEIGHT, SIZE AND SET BACK CONSTRUCTIONS, AND OTHER REGULATIONS REGARDING THE DESIGN OR USE OF RESIDENTIAL PROPERTY TO HELP ENSURE THAT THE USE OF THE PROPERTY FOR THE RESIDENTS OF A HOUSEHOLD AS INTENDED FOR SF DISTRICT. WE ENDORSE THE ADOPTION OF REASONABLE INTERIM REGULATIONS TO MITIGATE THE AFFECTS OF ANY LAST MINUTE RUSH BY PROPERTY OWNERS TO FILE BUILDING PERMITS IN ORDER TO BYPASS FORTHCOMING PERMANENT COMPATIBILITY STANDARDS. WE URGE THE COUNCIL TO DIRECT STAFF TO DEVELOP INTERIM REGULATIONS THAT PERMIT BONA FIDE PROJECTS TO GO FORTH WITHOUT INTERRUPTION SO THAT WHILE THEY'RE IN EFFECT THE INTERIM REGULATIONS FREEZE ONLY A SUBSET OF NEW DEVELOPMENT PROJECTS. THE RNA DOES NOT OPPOSE SUBSTANTIAL REDEVELOPMENT OF SMALLER HOMES INTO LARGER, MORE MODERN HOMES OF DIVERSE STYLES THAT ARE MORE CONSISTENT WITH CURRENT EXPECTATIONS IN WHAT A HOME SHOULD PROVIDE OR LOOK LIKE. IN ROSEDALE, A SUBSTANTIAL PORTION OF THE HOMES, MAYBE AS MANY AS 50%, HAVE BEEN REDEVELOPED IN THE LAST 10 TO 15 YEARS. AND IT HAS RESULTED IN AN EXCITING AND VIBRANT DIVERSITY OF HOMES, SOME THAT RETAIN THE LOOK AND FEEL OF THE ORIGINAL COTTAGES OF THE AREA, AND MANY IN AN ULTRA MODERN STYLE AND MATERIAL. WE RECOGNIZE THAT MODERNIZING AND ENLARGING THE HOMES IN CENTRAL AUSTIN NEIGHBORHOODS HAVE BEEN CRUCIAL TO MAKING AND KEEPING NEIGHBORHOODS LIKE ROSEDALE DESIRABLE PLACES TO PUT DOWN ROOTS AND RAISE A FAMILY. AND WE IN NO WAY WANT TO IMPEDE THAT ONGOING PROCESS OR THE ABILITY OF INVESTORS TO DEVELOP PROPERTY AT A PROFIT. FOR THOSE OF US LIVING IN NEIGHBORHOODS LIKE ROSEDALE, THERE ARE TWO MAJOR AREAS OF CONCERN REGARDING THE INTRODUCTION OF INCOMPATIBLE STRUCTURES. FIRST A STRUCTURE THAT IS NOT COMPATIBLE WITH THE ADJACENT PROPERTIES IMPOSES UNREASONABLE BURDENS ON THOSE ADJACENT PROPERTIES AND BECAUSE OF THE PHYSICAL NATURE OF

THE INCOMPATIBLE STRUCTURE ITSELF OR THE ACTIVITIES THAT TAKE PLACE IN AND AROUND THE STRUCTURE, IT INTERFERES WITH THE REASONABLE ENJOYMENT OF THOSE PROPERTIES BY THEIR HOMEOWNERS OR OCCUPANTS. THE OVERSIZE STRUCTURES, MANY OF WHICH -- AND THIS IS OF GRAVE CONCERN IN OUR NEIGHBORHOOD. MANY OF WHICH ARE IN EFFECT MULTIHOUSEHOLD PROPERTIES, KIND OF THE STEALTH DORM. WE HAVE SEVERAL OF THOSE IN OUR NEIGHBORHOOD, AND THEY BLOCK LIGHT, AIR AND VIEWS TO AN UNREASONABLE DEGREE AND RESULT IN THE COMPLETE LOSS OF PRIVACY AND RESULT IN MORE ACTIVITY, TRASH AND TRASH RECEPTACLES, NOISE, ODORS, TRAFFIC, CURB PARKING AND SO FORTH. THAN WOULD REASONABLY BE EXPECTED IN A TRUE SINGLE HOUSEHOLD OR DUPLEX. SECOND, THE STRUCTURES THAT ARE DESIGNED TO MAXIMIZE THE SIZE OF THE STRUCTURE WITH LITTLE REGARD FOR OTHER CONSIDERATION OR TO MAXIMIZE THE NUMBER OF INHABITANTS THAT STRUCTURE CAN ACCOMMODATE PLACE AN UNDUE STRAIN ON THE NEIGHBORHOOD, THE GENERAL PUBLIC AND ON PUBLIC SERVICES. STRUCTURES THAT PRETEND TO BE SINGLE-FAMILY HOMES OR DUPLEXES BUT THAT ARE ACTUALLY DESIGNED AND INTENDED TO SERVE AS MANY DORMS OR BOARDING HOUSES BRING MORE VEHICLES THAN THE PROPERTY OR THE ADJACENT STREET CAN COMFORTABLY ACCOMMODATE, RESULTING IN CLOGGED STREETS WITHOUT SUFFICIENT PARKING FOR VISITORS OR SERVICE VEHICLES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

I LIVE NEXT FOR A McMANSION IN PROGRESS. IT'S ALMOST ALL DONE, THIS MONTH MONDAYS TREE TOWERS WAY ABOVE MY HOME, I LIVE IN TARRYTOWN, I HAVE LOST ALL PRIVACY TO BOTH MY FRONT AND BACK YARD. WHEN I LOOK OUT ANY WINDOW TO THE EAST SIDE OF MY HOUSE, WHERE MOST OF MY WINDOWS ARE, I SEE WHAT NOW LOOKS LIKE A HUGE BLACK BILLBOARD. NO MORE TREES, THE BUILDER TOOK OUT SOME 50 TREES. NO MORE MORNING SUN. MY LANDSCAPE IS GOING TO CHANGE BECAUSE THINGS ARE DYING BECAUSE OF NO SON. BECAUSE OF THE CLOSE PROXIMITY OF THIS, I HAVE NOT HAD USE OF MY OUTDOOR PROPERTY SINCE AUGUST. MY YARDS ARE LITTERED WITH

BUILDING TRASH, MUCH OF IT DANGEROUS. THE NOISE IS CONSTANT. FREQUENTLY AT 85 DECIBELS, SIX DAYS A WEEK. FORGET KID PARTIES IN YOUR BACK YARD, FORGET BARK ARE ARE BARBECUES. I LIVE HERE, I HAVE BEEN IN THIS HOUSE 10 YEARS, I'M TRYING TO RAISE A FAMILY BUT I AM LOSING EVERYTHING THAT ORIGINAL MADE MY HOME DESIRABLE BECAUSE OF WHAT WENT UP NEXT TO ME. THE VALUE OF MY HOME HAS PLUMMETED. DAILY PEOPLE STOP BY AND OFFER SYMPATHY, WALK ON AND HOPE IT DOESN'T HAPPEN TO THEM. MY NEIGHBORS ACROSS THE STREET ARE NOW FACING SERIOUS FLOODING BECAUSE OF ALL OF THIS CONCRETE NEXT DOOR. THIS LOT IS ABSOLUTELY MAXED OUT. I KNOW EVERYONE IS CONCERNED ABOUT PROPERTY RIGHTS. BUT PLEASE REMEMBER THE OLD ADAGE, YOUR RIGHT TO SWING ENDS WHERE MY NOSE BEGINS, OVERSIZED OUTOF SCALE McMANSIONS HAVE A DIRECT AND ILL EFFECT ON ALL SURROUNDING HOMES. IF THIS McMANSION TREND CONTINUES BEING AUSTIN WILL LOSE ALL OF ITS INTERESTING CHARACTER, ITS HISTORY, ITS TREES AND ITS SOUL. WE WILL BE ANOTHER BIG BOX CONCRETE CITY. THANK YOU. [APPLAUSE]

COULD WE NOT GET THESE PHOTOS UP OR -- OKAY. LEAVE THEM UP PERHAPS WHILE THE NEXT FEW FOLKS SPEAK, WELCOME, MA'AM.

MY NAME IS ORA HOUSTON. I AM A RESIDENT OF THE BLACK LAND NEIGHBORHOOD ASSOCIATION, WHICH IS A PART OF UPPER BOGGY CREEK PLANNING AREA. MAYOR AND MEMBERS OF THE COUNCIL, I'VE LIVED IN AUSTIN 61 YEARS, ALL OF THAT IN -- EAST OF I-35. I'M NOT A DEVELOPER, AND FOR THE RECORD I HAVE ONCE STATED THAT THERE ARE MORE CITIZENS IN THIS TOWN THAN DEVELOPERS. AND WE NEED TO PAY ATTENTION TO THE CITIZENS. [APPLAUSE] THAT IS NOT ABOUT -- THIS IS NOT ABOUT OUR LIVELIHOOD, THIS IS ABOUT OUR LIVES AND THE QUALITY OF OUR LIVES. ANY WELL MANAGED ORGANIZATION SHOULD PERIODICALLY LOOK AT UNINTENDED CONSEQUENCES OF THE POLICIES AND PROCEDURES THAT THEY PUT IN PLACE. AND THIS IS ONE OF THOSE TIMES. I SUPPORT THE MORATORIUM, I SUPPORT THE STANDARDS, I SUPPORT DEVELOPMENT AND REDEVELOPMENT OF EAST AUSTIN AND THE CORE OF CENTRAL AUSTIN. BUT NOT AT THE INTENTION OF THE

PEOPLE WHO HAVE LIVE -- THE EXPENSE OF THE PEOPLE WOULD HAVE LIVED THERE FOR YEARS. THE BUILDING OF McMANSIONS, WHICH INCREASES PROPERTY TAXES, THAT'S A GOOD THING FOR YOU GUY, BUT FOR THOSE OF US THAT HAVE LIVED THERE FOR YEARS IS NOT A BIG THING AND IT'S INVOLUNTARILY DISPLACES PEOPLE OF COLOR AND MINORITIES. THE ISSUE OF DRAINAGE IS A SERIOUS ISSUE, REGARDLESS OF WHAT THE DEVELOPERS SAY TO YOU. BECAUSE IF YOU -- IF WE PAY ATTENTION TO THE HISTORY OF THIS CITY, THE INFRASTRUCTURE EAST OF I-35, HAS NOT BEEN KEPT OR MAINTAINED UP TO STANDARDS FOR YEARS. SO ANY TIME THAT YOU PUT THESE KINDS OF DESIGNS IN THE NEIGHBORHOOD THAT PUTS EXTRA STRAIN ON THE DRAINAGE. THE ONE ON THE FAR LEFT IS IN MY NEIGHBORHOOD. YOU CAN SEE THAT THE LITTLE HOUSES ON EITHER SIDE HAVE THE SAME PROBLEM THAT THE LADY TALKED ABOUT EARLIER. SOME OF THESE HOUSES ARE FOUR TO A LOT. THERE ARE THREE IN THE UPPER RIGHT-HAND CORNER, THERE ARE THREE TWO STORY HOMES, ONE ONE-STORY HOME IN THE MIDDLE, YOU CAN BARELY GET THROUGH. THERE'S NO YARD. WHAT KIND OF QUALITY OF LIFE ARE THE PEOPLE GOING TO HAVE WHO LIVE THERE IF THEY HAVE CHILDREN? WHERE ARE THE KIDS GOING TO PLAY? HOW DO YOU LIVE WITH SOMEBODY TOWERING OVER YOU? AGAIN I ASK YOU TO PLEASE HELP THE CITIZENS OF THIS COMMUNITY NOT JUST SPECIFIC AREAS, BUT THE WHOLE COMMUNITY BE RESPECTFUL OF THE WAY THE COMMUNITY CHARACTER OF THE COMMUNITY IS AND PLEASE PASS THESE DESIGN STANDARDS IN THE MORATORIUM. THANK YOU. [APPLAUSE]

THANK YOU.

GOOD EVENING, MAYOR AND COUNCIL, THANK YOU FOR ALLOWING ME A FEW MOMENTS TO ADDRESS YOU REGARDING THIS McMANSIONS ISSUE. MY NAME IS SYLVIA [INDISCERNIBLE] I LIVE IN TARRYTOWN. I SUPPORT THE TEMPORARY ORDINANCE AS DRAFTED FOR THIS DISCUSSION AND I THINK THE -- I THANK THE THREE COUNCILMEMBERS WHO BROUGHT THIS FORWARD. I SUPPORT THE IMPLEMENTATION OF THE AFFORDABLE AND FAR RATIOS, THAT MAKES A LOT OF SENSE TO ME. WHILE OUR CITY REVISITS THE LAND DEVELOPMENT CODE, AND

REDESIGNS AND TIGHTENS UP THE OBVIOUS HOLES IN OUR CODE, THAT HAVE ALLOWED THE RAMPANT OVERDEVELOPMENT OF MANY OF OUR INNER CITY LOTS IN OUR EXISTING AND OLDER NEIGHBORHOODS. THOSE OF US WHO LIVE HERE SHOULD HAVE FULL ENJOYMENT OF OUR HOMES AND NEIGHBORHOOD AND NOT CONSIDER TO SUFFER FROM SPECULATIVE DEVELOPMENT THAT OFTEN RESULTS IN A BULLDOZED LOT WITH NOTHING ALIVE LEFT ON IT. OFTEN IT RESULTS IN A MAXIMUM ALLOWABLE IMPERVIOUS COVERAGE PROJECT THAT NEGATIVELY IMPACTS ADJACENT NEIGHBOR, SUNLIGHT, AIR FLOW AND QUALITY OF LIFE. I WOULD ENCOURAGE THE CITY TO REVISIT THE IMPERVIOUS COVERAGE REGULATIONS WHILE YOU ARE STUDYING THIS ISSUE. AS THEY APPLY SPECIFICALLY TO REDEVELOPMENT OF SINGLE FAMILY LOTS IN INNER CITY AREAS THAT ARE NOT CURRENTLY ADEQUATELY COVERED UNDER OUR REGULATIONS AS RELATES TO THE WATER SUPPLY SUBURBAN ORDINANCE PROTECTIONS. I THINK THAT'S REALLY IMPORTANT. I SUSPECT THAT WE NEED TO PUSH THE LAND, IMPERVIOUS COVERAGE BACK, WE ARE SEEING THE RESULTS RIGHT NOW OF DECISIONS THAT WERE MADE, I SUPPOSE, IN THE LAST FIVE YEARS AND -- AND IT SEEMS TO ME THAT THEY ARE OVERWHELMINGLY NEGATIVE, WE HAVE GOT TO DO SOMETHING ABOUT IT. WE CAN DO BETTER. CONTRARY TO THE SKY IS FALLING REACTIONS THAT I HEARD EARLIER IN THE EVENING, ALSO I HAVE OBSERVED IN SOME OF THE MEDIA OVER THE LAST WEEK, THIS TEMPORARY ORDINANCE WILL NOT PREVENT ANY HOMEOWNER FROM ADDING ON TO THEIR HOME AS STATED WITHIN THE PROPOSAL. 2500 SQUARE FEET TO BE ADDED ON, GEE, THAT'S BIGGER THAN A LOT OF HOUSES IN MANY AREAS OF AUSTIN. I THANK YOU FOR STUDYING THIS ISSUE. AND I URGE YOU TO RECONSIDER THE IMPERVIOUS COVERAGE AS PART OF THIS DISCUSSION. THANK YOU. [APPLAUSE]

MAYOR WYNN, CITY COUNCIL, I'M PLEASED TO BE HERE, I LOOK AROUND THE ROOM AND I GUESS I'M NOT YOUNGEST PERSON IN THE ROOM. BUT I'M PROBABLY FOR YOU AT SOME THINGS IN AUSTIN, SPEAKING AS AN INDIVIDUAL, BUT - - BUT ONE MONTH AGO I TOOK THE VOLUNTEER JOB AS ZONING CHAIR FOR OUR NEIGHBORHOOD ASSOCIATION IN

ALLENDALE RIGHT NORTH OF ROSEDALE, I HAVE BEEN ON SOME OF THE WEBS, I HAVE HEARD ABOUT THE PROBLEM THAT THE WOMAN ALLUDED TO OVER ON ALLEGRA AND I'VE SEEN IT BECAUSE IT'S ONLY LESS THAN A MILE FROM ALLENDALE WHERE THERE ARE BIG McMANSIONS ON THE HIGH RISE. MY WIFE AND I BOUGHT A HOUSE IN ALLENDALE TWO YEARS AGO. AND I COME TO -- IN SUPPORT OF THESE INTERIM REGULATIONS. I THINK THE QUALITY OF LIFE IN SO MANY NEIGHBORS IS PART OF WHAT MAKES AUSTIN AUSTIN. THAT DOES NOT MEAN MONEY CAN'T BE INVESTED BEFORE THE COHANES MOVED IN I WENT TO ONE TEXAS CENTER AND PULLED THE PERMIT, THAT AFTER HIRING AN ARCHITECT. THEN WE UPGRADED PLUMBING AND ELECTRICAL, PULLED UP THE CARPETS, HIRED SOMEONE TO REFINISH THE OAK FLOORS AND ENGAGED SOMEONE ELSE TO REFINISH THE KITCHEN FLOOR AND ENGAGED A CARPENTER WHO WAS REALLY A CABINET MAKER, A HALF BATH FROM THE UTILITY ROOM, ALL THE WHILE KEEPING THE FOOTPRINT OF THE HOUSE THE SAME, NOT ADDING A SECOND STORY, AND NOT INCREASING IMPERVIOUS COVER. THE SUNLIGHT FLOWS THROUGH THE CURTAINS OF MY NEW HALF BATH AS I SHAVE. IT'S FINE FOR A MAN WHO SHAVES BUT LESS GOOD FOR AUSTIN TO SHAVE OR BULLDOZE OUR HERITAGE. IN CLOSING I WOULD LIKE TO READ FROM SOMETHING THAT IS EVEN OLDER THAN I AM. IT'S A QUOTE OF WHAT ZONING IS, TAKEN FROM THE 1938 ADDITION OF THE HIGH SCHOOL GOVERNMENT TEXT GOVERNMENT IN ACTION. IT WAS PURCHASED BY HARCOURT BRACE AND COMPANY, AUTHORED BY ROBERT ECOHANE, MARY PETER AND JOSEPH D. McGOLDRICK. I NEVER MET HIM BUT ROBERT E. AND MARY PETERS COHANE WERE MY PARENTS. HERE'S THE QUOTE, I HAVE A COPY OF THIS FOR EVERYONE ON THE CITY COUNCIL WHICH I WOULD LIKE TO PASS TO YOU AT THE END OF MY REMARKS, A MODERN CITY PLANNING INCLUDES LIMITATIONS ON THE USE OF PRIVATE PROPERTY. A PROPERTY OWNER IS NOT PERMITTED TO RUIN A RESIDENTIAL NEIGHBORHOOD BY TURNING HIS DWELLING INTO A FACTORY OR A GARAGE. SUCH RESTRICTIONS ARE CALLED ZONING! ZONING LAWS ILLUSTRATE THE NEED OF SURRENDERING FREEDOM TO DO WHAT DOES WITH ONE'S OWN PROPERTY IN ORDER THAT ALL MAY GAIN GREATER FREEDOM OR END JOYMENT. THANK YOU,

COUNCILMEMBERS, THANK YOU, MAYOR WYNN, AND I WILL PASS THESE TO YOU. [APPLAUSE] WELCOME, MR. JACK.

MAY, CITY COUNCIL, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION, JUST PASSED OUT TO YOU A COUPLE OF PHOTOGRAPHS OF -- OF THE SITUATION IN OUR NEIGHBORHOOD. THE TOP PHOTOGRAPH IS A -- IS A CORNER LOT THAT WAS BUILT LAST YEAR, A HOUSE THAT CAME IN THREE STORIES AND THIS IS A TYPICAL McMANSION. IT IS -- IT IS WAY OUT OF SCALE WITH REGARD TO THE HOUSE THAT IS ADJACENT TO IT. BUT IT WAS REALLY EVEN MORE ONEROUS IS IF YOU LOOK AT THE BOTTOM PICTURE TODAY, WHICH I TOOK THIS MORNING, YOU WILL NOTICE THAT THAT SMALLER HOUSE THAT USED TO BE THERE IS GONE. THE PERSON THAT LIVED IN THAT HOUSE WAS SO OFFENDED BY THE FACT THAT SHE NO LONGER HAD SUNLIGHT, NO LONGER COULD HAVE A GARDEN, SHE SOLD OUT AND GUESS WHO BOUGHT HER HOUSE? THE NEIGHBOR NEXT DOOR IN THE BIG HOUSE. AND WHAT DID HE DO? HE TORE DOWN HER HOUSE. TO BUILD ANOTHER BIG HOUSE. WE HAVE HEARD A LOT OF THINGS ABOUT DRAINAGE TONIGHT. BUT I I WANT TO CALL YOUR ATTENTION TO THE BOTTOM PICTURE. WHEN THE HOUSE WAS PERMITTED IT PROBABLY MAXED OUT AS 40% BUILDING COVERAGE, 45% IMPERVIOUS COVER. AND THEN THE REAL SITE DEVELOPMENT HAPPENED. THEY BUILT WALLS, THEY BUILT PATIOS, THEY BUILT SIDEWALKS, I'M JUST GUESSING BUT THIS HOUSE IS PROBABLY SOMEWHERE BETWEEN 50 AND 60% IMPERVIOUS COVER. AND IT DOES CREATE A PROBLEM. IT DOES INCREASE THE RUNOFF. AND IT'S A PROBLEM THAT WE HAVE TO ADDRESS. \$800 MILLION OF CURRENT DRAINAGE BACKLOG IS ONLY GOING TO BE ASSERT ACERBAITED BY ALLOWING MORE IMPERVIOUS COVER ON THESE SITES. A LOT OF ISSUES WITH REGARD TO DENSITY TALKED ABOUT. AS AN ARCHITECT I HAVE WATCHED THE CHANGING FACE OF RESIDENTIAL CONSTRUCTION IN AMERICA THE LAST 30 YEARS. WHAT WE HAVE SEEN IN AMERICA IS THAT -- IS THAT OUR FAMILY SIZES HAVE GONE DOWN. BUT THE SQUARE FOOTAGES THAT WERE BUILT FOR HOUSES HAVE GONE UP. THE ARGUMENT THAT IS GOING TO REDUCE DENSITY IN OUR NEIGHBORHOODS THAT SAY WE CAN'T BUILD THESE BIG

BUILDINGS IS JUST NOT FOUNDED ON FACT BECAUSE MANY OF THESE BUILDINGS ARE OCCUPIED BY ONE OR TWO PEOPLE THAT REPLACE THE SMALLER HOUSE THAT WAS OCCUPIED BY ONE OR TWO PEOPLE. SO THE DEPOSITION COMMUNITY ARGUMENT I DON'T THINK HAS ANY BASIS. I'M GOING TO TALK ABOUT THE PROPERTY TAX ISSUE. IT'S ALLUDED TO ABOUT THE FACT THAT -- THAT WE ARE GOING TO LOSE PROPERTY TAX. THERE WAS SOME DISCUSSION ABOUT THE VALUATION OF THE LAND VERSUS THE VALUATION OF THE BUILDING. BUT YOU KNOW WHAT SETS PROPERTY TAXES? THE COMPARABLE SALES IN THE AREA. IS DEMAND GOING DOWN IN AUSTIN? ONLY IF DEMAND IS GOING DOWN IS THE ACTUAL VALUATION OF OUR PROPERTY GOING TO GO DOWN. THEY ARE GOING TO CONTINUE TO RISE, BUT THEY MAY NOT RISE QUITE AS FAST IF WE DON'T BUILD THESE BIG BUILDINGS, OR AS HE SAID A FEW MINUTES THAT'S THE VALUATION THAT THE COMMUNITY HAS WITH REGARD TO QUALITY OF LIFE. THE LAST THING THAT I WANT TO TALK ABOUT IS RULES. AND ONE OF THE EARLIER SPEAKERS SAID WELL YOU KNOW WE BOUGHT THIS PROPERTY UNDER A SET OF RULES, WE OUGHT TO BE ABLE TO DO WHAT WE CAN DO UNDER THOSE RULES. I'M GENERALLY SUPPORTIVE OF PROPERTY RIGHTS. BUT EVERY RULE HAD SOME BASIC ASSUMPTIONS AND IF YOU GO BACK AND YOU LOOK AT HOW SUBDIVISION REGULATIONS EVOLVED IN THE UNITED STATES SINCE AFTER THE SECOND WORLD WAR, WHAT YOU SEE IS THE FACT THAT THE SETBACKS, THE HEIGHT LIMITATIONS AND LATER WHEN WE IMPLEMENTED IMPERVIOUS COVER WERE CREATED WITH NEVER THE CONCEPT OR THE BELIEF THAT PEOPLE WOULD COME IN AND BUILD SETBACK TO SETBACK FULL HEIGHT TOTAL BUILDOUT. MOST OF THESE SUBDIVISIONS, THESE OLDER SUBDIVISIONS THAT WE PLATTED BEFORE '74 CREATED A SETBACK AND A VOLUME OF BUILDABLE SPACE SO THAT WHEN YOU CAME IN A MARKET VALUE HOUSE OF 1200 SQUARE FEET OR 1500 SQUARE FEET YOU HAD FLEXIBILITY OF WHERE YOU COULD LOCATE THAT ON THAT PROPERTY. YOU COULD MOVE IT AROUND THE TREES OR YOU COULD PULL IT UP TO THE STREET OR YOU COULD SET IT BACK IF YOU HAVE A BIGGER YARD. BUT THAT FLEXIBILITY WAS A CRUCIAL ELEMENT IN THE ASSUMPTIONS OF ESTABLISHING THE ZONING. SO WHILE THERE IS SOME

MERIT WITH REGARD TO THE ISSUE OF -- OF HAVING BOUGHT INTO A SET OF RULES, THERE ARE MORE -- MORE ASSUMPTIONS BASED IN THOSE RULES THAT WE HAVE TO LOOK AT. BECAUSE WHAT WE ARE SAYING IS THAT WHEN THOSE RULES WERE PROMULGATED, HOW THE REGULATIONS AND THE ZONING CODES WERE SET UP, THERE WASN'T AN IDEA THAT WE WERE GOING TO SEE ALL OF THESE LOTS BUILT OUT FOR FULL CAPACITY, SO I THINK THE FAR BEGINS TO ADDRESS THAT ISSUE. WE SUPPORT THE INTERIM ORDINANCE, IT SEEMS EVERY TIME THAT THERE'S A POTENTIAL CHANGE IN THE ORDINANCE, THERE'S A RUSH OF PEOPLE TO -- TO GET IN UNDER IT. GOING NOW AS AN EMERGENCY MEASURE FOR THE INTERIM ORDINANCE WE SUPPORT, WE ALSO SUPPORT BRINGING ALL OF THE STAKEHOLDERS TOGETHER TO WORK OUT A ROAM SOLUTION TO THIS. BUT WE THINK THAT IT'S TIME THAT THE CITY OF AUSTIN DEAL WITH THIS. EVERY MAJOR CITY IN AMERICA, OLDER ESTABLISHED NEIGHBORHOODS HAVE BEEN DEALING WITH THESE PROBLEMS FOR YEARS. MANY OF THEM HAVE ISMMMENTED CODES, CHANGES TO REFLECT THE KIND OF THINGS THAT YOU ARE CONSIDERING WITH THIS INTERIM ORDINANCE. SO WE SUPPORT THAT. HOPEFULLY WE CAN FIND A COMPROMISE THAT ALLOWS PEOPLE AS THE FAMILY THAT USED TO LIVE IN THAT PHOTOGRAPH AT THE TOP OF THE PAGE, COULD REMAIN IN OUR NEIGHBORHOOD AND NOT BE DISPLACED BY THE FACT THAT THEY NO LONGER COULD ENJOY LIVING IN A HOUSE THAT WAS SO OVERSHADOWED BY SUCH A BIG ONE. THANK YOU. [APPLAUSE]

MY NAME IS THOMAS, I LIVE IN THE [INDISCERNIBLE] AREA. AN ARGUMENT HAS BEEN MADE BY THE DEVELOPERS ABOUT NOT CHANGING THE RULES IN THE MIDDLE OF THEIR GAME. WELL THE TRUTH IS THAT WE DON'T WANT TO CHANGE THE RULES IN THE MIDDLE OF OUR GAME, EITHER. WE BOUGHT INTO OUR NEIGHBORHOODS BECAUSE WE LIKED THE WAY THE NEIGHBORHOOD LOOKED AND WE HAD - - WE BOUGHT IN THE NEIGHBORHOOD A LONG TIME. WE DIDN'T BOY A HOUSE JUST TO FLIP IT -- DIDN'T BUY A HOUSE JUST TO FLIP IT, WE LIKE IT LIKE IT IS. WE ALSO HAVE A GAME AT STAKE. THE SECOND POINT IS THAT IF THE PROPERTY VALUE BECOMES SO MUCH AND SO HEAVY ON

THE LAND, AND THERE WON'T BE ANY MORE HISTORIC HOUSES. IT WOULDN'T MAKE ANY SENSE FOR ANYONE TO HAVE A HISTORIC HOUSE UNLESS THE CITY COUNCIL WANTS TO SUBSIDIZE THEM BECAUSE THE -- THE TAX BASE FOR SUCH A SMALL HOUSE IT WON'T MAKE ANY SENSE. AGAIN, WE DON'T UGLY HOUSES IN OUR NEIGHBORHOODS. WE LIKE IT LIKE IT IS. WE BOUGHT A LONG TIME INTO IT AND THAT WAS OUR GAME. THANK YOU. [APPLAUSE]

THANK YOU THOMAS.

MAYOR, COUNCILMEMBERS, I'M KAREN McGRAW. I'M AN ARCHITECT AND A LONG-TIME MEMBER OF THE AIA. IN MY MANY YEARS IN PRIVATE PRACTICE IN AUSTIN, I'VE DONE MANY SINGLE FAMILY REMODELS, RENOVATIONS, ADDITIONS. I DON'T THINK ANY OF THESE PROJECTS WOULD EVER GO BEYOND YOUR INTERIM REGULATIONS AND I THINK THE REGULATIONS AS YOU HAVE THEM ARE APPROPRIATE AND STILL ALLOW HOMEOWNERS TO DO WHAT THEY WANT TO DO WITH THEIR PROPERTY. I HAVE ALSO WORKED OVER 25 YEARS TO GET RESPECT AND REGULATIONS IN HYDE PARK TO PRESERVE THE CHARACTER AND LIVABILITY OF OUR NEIGHBORHOOD. AND I CAN TELL YOU THAT WHEN YOU ASK A SPECULATOR FOR RESPECT, YOU DO NOT ALWAYS GET IT. IF YOU HAVE REGULATIONS, THAT WORKS A LOT BETTER. SO I APPLAUD YOU FOR TAKING THE INITIATIVE BECAUSE YOU ARE THE PEOPLE WHO CAN -- WHO CAN IMPLEMENT REGULATIONS TO -- TO TRY TO DO SOMETHING TO CHANGE THE COURSE OF SOME OF THE THINGS THAT ARE GOING ON IN THE CENTRAL CITY. I HAVE SOME PICTURES THAT I WANT TO SHOW YOU. IF YOU LOOK AT THE LOWER PHOTOGRAPH, THERE ARE -- THERE ARE THREE LARGE BUILDINGS, WHAT LOOKS LIKE A SMALL HOUSE AND THEN ANOTHER LARGE BUILDING ON THE CORNER. THOSE -- THOSE FIVE BUILDINGS WERE PERMITTED JUST BEFORE OUR NORTH HYDE PARK CONSERVATION DISTRICT. BUT IF YOU LOOK JUST BEYOND THAT LAST BUILDING, YOU CAN SEE A VERY MODEST LITTLE HOUSE THAT'S PROBABLY A THOUSAND SQUARE FEET LIKE HUNDREDS OF OTHER HOUSES IN OUR NEIGHBORHOOD AND YOU CAN SEE THE IMPACT OF THESE HUGE BUILDINGS ON ADJACENT PROPERTIES. THE SMALL HOUSE PROBABLY HAS AN FAR OF ABOUT 2. THE BIG HOUSES HAVE AN FAR OF ABOUT .6 AS

OPPOSED TO .2. SO I THINK YOUR NUMBER OF .4 IS ENTIRELY PAIR IN THIS -- ENTIRE FAIR IN THIS SITUATION. WHAT I WANT TO TELL YOU IS HOW FAR DOES RELATE TO DRAINAGE BECAUSE THESE BUILDINGS IN OUR NEIGHBORHOOD ARE LIKELY BUILT FOR STUDENT HOUSING AND YOU ARE GOING TO SEE SIX OR MORE STUDENTS PROBABLY IN EACH OF THOSE TALL BUILDINGS. AND WHAT WILL HAPPEN IS THEY WILL EACH HAVE A CAR OR A SUFFICIENT OR TRUCK -- OR S.U.V. OR TRUCK, ALL THAT YOU HAVE REQUIRED IS TWO PARKING SPACES BECAUSE THAT'S WHAT PEOPLE WANTED IN THE DO YOU KNOW PLEKTS RULES TO FACILITATE FAMILIES OWNING DUPLEXES AND LIVING IN DUPLEXES. NOW WHAT'S GOING TO HAPPEN IS THESE ARE PROBABLY MAXED OUT AT 45% IMPERVIOUS COVER. SO WHAT DO YOU DO WITH THE OTHER FOUR CARS? WHERE ARE THEY GOING TO GO? THIS IS ON 45th STREET, THERE'S NO STREET PARKING. WELL, THE VISITORS CARS, WHERE ARE THEY GOING TO GO? ACCORDING TO YOUR PERMIT DEPARTMENT ANYPLACE A CAR GOES IS IMPERVIOUS. WHAT ARE WE GOING TO HAVE? WE ARE GOING TO HAVE 60, 70% IMPERVIOUS COVER ON THESE LOTS AS SOON AS ALL OF THE OCCUPANTS ARRIVE. THESE ARE STILL UNDER CONSTRUCTION. I THINK THAT'S A SERIOUS PROBLEM. THESE FIVE LOTS TOGETHER HAVE TWO HOUSES ON THEM. YOU KNOW, THEY ARE -- THEIR COVERAGE WAS PROBABLY 10 OR 15%. 45% IS LEGAL. BUT WHAT YOU ARE HAVING IS -- YOU ARE MORE THAN DOUBLING THE COVERAGE IN THE CENTRAL CITY. EVEN WITH IT'S WITHIN THE 45%, YOU ARE ADDING A LOT OF COVERAGE AND THIS IS A SERIOUS DRAINAGE PROBLEM, THIS PROPERTY DRAINS ABOUT TWO BLOCKS TO THE WEST THERE IN WALLER CREEK. I WOULD ENCOURAGE YOU TO EVEN PUT A LOWER CAP ON IMPERVIOUS COVER. WE HAVE A LOT OF PROBLEMS WITH IMPERVIOUS COVER -- [APPLAUSE] -- -- THE 45% IS NOT ALWAYS ENFORCED SO -- AND THEN AFTER -- AFTER SOMETHING IS COMPLETED, PEOPLE COME BACK AND DO THINGS LIKE COVER THE BACK OF THE LOT IN ASPHALT WHICH THEY DID ON THE SECOND HOUSE IN THIS PHOTO. RUNNERS, PEOPLE BUILD DRIVEWAY RUNNERS WHICH IS REALLY NEAT IN A SINGLE FAMILY SETTING WHERE IT REALLY WORKS. IN A STUDENT SETTING WHERE YOU'VE GOT A BUNCH OF S.U.V.'S SITTING ON RUNNERS, I CAN SENDS YOU SOME PHOTO WHERE THEY JUST FILL THEM IN

WITH CEMENT. NOT ONLY IS 45% HURTING US JUST BECAUSE OF DENSIFICATION, WHICH WE ALL KNOW IS HAPPENING, WE ACCEPT THAT, BUT WE ARE GETTING MORE THAN 45% BY MANY, MANY THINGS THAT HAPPEN AFTER THE FACT. SO I THINK WE REALLY NEED TO LOOK AT PARKING, ESPECIALLY WHERE WE HAVE STUDENT HOUSING, WE NEED TO LOOK AT THE IMPERVIOUS COVER AND AGAIN I WOULD ENCOURAGE YOU TO CONSIDER LOWERING THE CURRENT IMPERVIOUS COVER IN YOUR INTERIM REGULATIONS. I ALSO WANT TO MENTION IN HYDE PARK IN 1999 WE DISCUSSED AN FAR OF .4 BUT WE DIDN'T THINK AS ONE NEIGHBORHOOD WE WOULD GET THAT THROUGH AND WE DIDN'T TRY TO DO IT. BUT WE WERE CONCERNED THEN WITH BULK AND BULK IS A GOOD ISSUE. IF YOU THINK HYDE PARK HAS BEEN ABLE TO FIX THAT PROBLEM, WE JUST HAD A 4400 SQUARE FOOT HOUSE PERMITTED IN THE HEART OF HYDE PARK ON A 6,000-FOOT LOT. SO BULK IS AN ISSUE FOR US, TOO. AND ANYWAY, I APPRECIATE THE TIME AND THANK YOU VERY MUCH FOR YOUR EFFORT. [APPLAUSE]

GREETING EVERYBODY, MY NAME IS MIKE CANATI, HERE ON BEHALF OF THE WEST AUSTIN NEIGHBORHOOD GROUP. WE ARE HERE TO SUPPORT YOUR EFFORTS TO PROVIDE INTERIM DEVELOPMENT REGS. WE GREATLY APPRECIATE THE COUNCIL'S EFFORTS HERE TO ADDRESS THE PROBLEM OF -- OF NON-COMPATIBLE HOUSING. AND WE REALLY HOPE THAT THE PERMANENT RESIDENTIAL STANDARDS THAT YOU HAVE UNDERWAY THAT ARE BEING PREPARED WILL BE ABLE TO PROTECT BOTH INDIVIDUAL RIGHTS BUT ALSO THE QUALITY AND CHARACTER OF OUR NEIGHBORHOODS, HOPEFULLY THEY ARE GOING TO TAKE INTO ACCOUNT MANY OF THE CONCERNS RAISED ALL THROUGH TONIGHT'S HEARING, BUT TONIGHT I UNDERSTAND THAT THE DECISION IS THE INTERIM REGULATIONS, WHETHER THESE SHOULD BE PASSED. WE THINK THAT THIS IS VERY IMPORTANT MEASURE TO PROTECT OUR NEIGHBORHOOD AGAINST A VERY REAL RISK OF A PERMIT RUSH IF AN INTERIM RULES ARE NOT PUT IN PLACE. AND THERE'S BEEN DISCUSSION ABOUT WELL THE DRAINAGE ISSUE REALLY ISN'T A PROBLEM. I THINK IF WE CONSIDER THE EFFECT OF THE -- OF THE INCREASE IN MASSING THAT MIGHT HAPPEN IF WE DON'T HAVE ANY INTERIM RULES IN PLACE, THAT PERHAPS

IS THE REAL EMERGENCY AND -- THE INCREASED DRAINAGE PROBLEM THAT WOULD HAPPEN BETWEEN NOW AND WHEN THE FINAL REGS ARE PUT IN -- UP. I WOULD ALSO LIKE TO SAY THAT I THINK THAT THE INTERIM REGS THAT YOU HAVE COME UP WITH ARE VERY FLEXIBLE, THEY REALLY DO ALLOW PEOPLE TO ADD VALUE TO THEIR HOMES, THERE HAVE BEEN A LOT OF CONCERN, A LOT OF CONFUSION ABOUT WHAT WILL BE PERMITTED, I HOPE TONIGHT PEOPLE ARE SEEING THAT -- THE GOOD OUTCOMES AND INCREASED SIZES ARE GOING TO BE POSSIBLE UNDER YOUR REGS. IN A NIGHT OF AN NEXT DOTES I WILL GIVE YOU ONE PERSONAL ONE. MY WIFE RECENTLY BUILT A HOUSE. SHE LETS ME THRIF THERE WITH HER, IT WAS GOING TO COMPLY WITH THESE TEMPORARY REGS AS YOU HAVE PROPOSED THEM. PARTICULARLY .4 FLOOR-TO-AREA RATIO. WE WERE ABLE TO DO THIS. I ASSURE YOU IT INCREASED THE TAX BASE QUITE A BIT. SO THAT WOULD BE ANOTHER POINT THAT -- THAT WE MIGHT OFFER IN REBUTTAL TO THE EARLIER COMMENTS. TO MAKE SURE THAT WE HAD AS A NEIGHBORHOOD ASSOCIATION A GOOD READING OF OUR NEIGHBORHOOD, WE TRIED DO A QUICK E-MAIL SURVEY IN ABOUT A DAY'S NOTICE, WE GOT RESPONSES ABOUT A 75% APPROVAL HAVING SOME TYPE OF RESIDENTIAL COMPATIBLE STANDARDS ENACTED PERMANENTLY DOWN THE ROAD AND ON THE SAME ORDER OF SUPPORT IN THE NEIGHBORHOOD FOR HAVING AN INTERIM REGULATION OF PUT IN PLACE TO HELP PROTECT THE PRESERVE THE STATUS QUO, IF YOU WILL. WE REALLY DO APPRECIATE YOUR EFFORT, I HOPE THAT YOU VOTE TO APPROVE THE INTERIM ORDINANCE. THANK YOU. MY NAME IS PAUL SEALS, THIS EVENING I'M APPEARING BEFORE YOU AS A 19 YEAR RESIDENT OF OLD WEST AUSTIN AND IN SUPPORT OF THE PROPOSED ORDINANCE. OUR NEIGHBORHOOD IS COMPOSED OF MANY OLD SUBDIVISIONS WHICH WERE PLATTED BETWEEN 17871 AND 1948. MY SUBDIVISION WAS DEVELOPED AS A STREET CAR I GUESS LIGHT RAIL IN 1914, WITH THE EXTENSION OF THE OLD WEST LINE WHICH RAN ALONG WEST SIXTH STREET TO THE LAKE AUSTIN DAM. WE ARE PART OF THE RECENTLY APPROVED WEST LINE HISTORY RIRK DISTRICT WHICH RECOGNIZES THE DISTINCTIVE HISTORIC CHARACTERISTICS OF OUR NEIGHBORHOOD AND HOW WE HAVE RETAINED TO A HIGH DEGREE THE INTEGRITY OF THE HOUSES IN THAT

NEIGHBORHOOD. AND WHICH IS CLEARLY EVIDENT IN YOU TAKE A DRIVE -- IF YOU TAKE A DRIVE DOWN SOME OF OUR STREET. AS AN OLDER NEIGHBORHOOD, WITH IT'S DESIRED LOCATION AND CLOSE PROXIMITY TO DOWNTOWN, WE ARE HERE UNDER CONSTANT PRESSURE FROM PROPOSALS TO DEMOLISH HISTORIC STRUCTURES AND REPLACE THEM WITH NEW RESIDENTS THAT ARE SOMETIMES OUT OF CHARACTER AND SCALE TO THE ADJACENT HOME. WE ARE LOSING AFFORDABLE HOUSING. AND AS A -- AS A PARENT WE ARE LOSING FAMILIES WITH STUDENTS FOR OUR WONDERFUL NEIGHBORHOOD ELEMENTARY SCHOOL MATTHEWS. THE SITUATION IS URGENT. WE ARE LOSING HOUSES ALMOST ON A WEEKLY BASIS. THE PROPOSAL BEFORE YOU PROVIDES FOR COOLING OFF PERIOD UNTIL THE COUNCIL DEVELOPS AND APPROVES THE NEW ORDINANCE ON AN EXPEDITED BASIS. AN ORDINANCE THAT NOT ONLY ADDRESSES DRAINAGE AND WATER QUALITY, BUT WILL BE DESIGNED TO PROTECT THE INTEG TREE AND CORRECT TER OF OUR NEIGHBORHOODS. MINORALLY MY OWN -- IRONICALLY MY OWN HOUSE IS A SCRAPE OFF FROM THE EARLY '80S, HOWEVER IT'S APPROXIMATELY 2,000 SQUARE FEET, DESIGNED TO MATCH THE ARCHITECTURAL STYLES OF MY NEIGHBORHOOD, WOOD FRAME, WASH BOARD SIDING, HIGH CEILINGS, A WOODEN FRONT PORCH, A DETACHED GARAGE. AS IN THE CASE OF MY HOUSE, THE INTERIM ORDINANCE BEFORE YOU WOULD NOT PRECLUDE THE CONSTRUCTION OF SIMILAR LARGE HOMES. THE PROPOSED FLOOR-TO-AREA RATIO PROVIDES SUBSTANTIAL FLEXIBILITY FOR HOMEOWNERS TO REBUILD AND REMODEL THEIR HOMES DURING THE INTERIM PERIOD. YOU CAN STILL BUILD A VERY SUBSTANTIAL HOUSE. THE ORDINANCE INCLUDES A WAIVER PROVISION TO ADDRESS APPROPRIATE EXCEPTIONS DURING THE INTERIM. THIS ORDINANCE WILL NOT ADVERSELY IMPACT THE ECONOMIC VIABILITY OF THIS CITY. I WANT TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU ON THIS ISSUE. MORE IMPORTANTLY, I WANT TO THANK YOU FOR YOUR CONCERN FOR OUR OLDER NEIGHBORHOODS. [APPLAUSE]

MAYOR, COUNCIL, MY NAME IS ROSS SMITH, I'M A HOMEOWNER IN ZILKER HEIGHTS. I AM NOT AGAINST DEVELOPMENT. I OFFENDED SOME OF MY NEIGHBORS LAST

WEEK BY SPEAKING UP IN FAVOR OF THE GABLES PROJECT, BUT I STRONGLY SUPPORT WHAT YOU ARE DOING HERE TONIGHT. IT REALLY OFFENDS ME WHEN A BUNCH OF DEVELOPERS LINE UP HERE AND SAY TO YOU THIS IS ALL SO NEW AND WHAT'S THE RUSH? THAT'S BOGUS. I MOVED BACK HERE IN 1988. YEAR IN AND YEAR OUT SINCE I GOT HERE THERE HAVE BEEN BUILDING HORROR STORIES RUNNING IN THE PAPER, PEOPLE HAVE LINED UP HERE TO COMPLAIN ABOUT SUPER DUPLEXES FOR AT LEAST 10 YEARS. THEN COMPLAINING ABOUT GENTRIFICATION FOR AT LEAST FIVE YEARS. AND IT'S ALL BEEN WIDELY COVERED. I'VE BEEN SENDING STUFF TO VARIOUS COUNCILMEMBERS ABOUT RESIDENTIAL BUILDING RESTRICTIONS FOR AT LEAST FIVE YEARS, TOO. THIS IS NOT NEWS. IT IS REALLY OFFENSIVE WHEN BUILDERS GET UP AND SAY THAT THEY ARE JUST BLIND SIDED BY IT. SO I ASK YOU, DON'T GET FLIM FLAMED BY THAT ARGUMENT. WE HAVE BEEN COMPLAINING FOR YEARS ABOUT THIS, IT'S ABOUT TIME THAT YOU DID SOMETHING ABOUT IT, THANK YOU.

THANK YOU, MR. SMITH.

GOOD EVENING.

MY NAME IS SAGE WHITE. I LIVED IN OLDER CLOSE IN NEIGHBORHOODS IN AUSTIN SINCE 1968. WILL 18 YEARS AGO I MOVED SOUTH OF THE RIVER AS SOME OF YOU MAY KNOW WHEN WE TALKED ABOUT OUR NEIGHBORHOOD PLAN. FIRST I WANT TO SAY CEMENTE, CO-PRESIDENT OF THE SOUTH RIVER CITY NEIGHBORHOODS ASSOCIATION WANTED VERY MUCH TO BE HERE TONIGHT. FAMILY BUSINESS REQUIRED THAT SHE BE OUT OF TOWN HOWEVER, SHE WANTED ME TO SAY THAT McMANSIONS, THE HUGE BULKING, HULKING BUILDINGS THAT ARE BUILT BY UNSCRUPULOUS DEVELOPERS WHO COME IN AND SCRAPE PERFECTLY GOOD OLDER HOMES ARE A REAL PROBLEM IN OUR NEIGHBORHOOD. IT'S A PROBLEM THAT CANNOT WAIT TO BE ADDRESSED UNTIL WE HAVE A PERFECT RESOLUTION, A PERFECT ORDINANCE. I'M GOING TO SAY THANK YOU. THANK YOU VERY MUCH [APPLAUSE] THANK YOU FOR TAKING THE HEAT AND GETTING THIS STARTED. GIVEN THE INTERIM ORDINANCE ISN'T PERFECT, BUT IF WE WAITED FOR A PERFECT ORDINANCE WE WOULD BE HERE UNTIL JUDGMENT

DAY. THANK YOU FOR STARTING THIS. YOU HAVE GOT A LOT OF PEOPLE STIRRED UP, GOT A LOT OF ATTENTION AND ONE OF THE THINGS THAT I HAVE LEARNED TONIGHT BY TALKING TO SOME FOLKS IS THAT NOT EVERYBODY IN AUSTIN UNDERSTANDS ABOUT THE PROBLEM. SOME PEOPLE DON'T REALLY THINK THERE'S A PROBLEM AND THERE'S NOT A PROBLEM IN THEIR NEIGHBORHOOD. YOU KNOW, IN THEIR PARTICULAR AREA IN AUSTIN. BUT IN MY NEIGHBORHOOD AND IN THE NEIGHBORHOOD OF A WHOLE LOT OF FOLKS, IT IS A REAL PROBLEM. I THINK -- I THINK THAT IT IS EXCELLENT THAT PEOPLE ARE STIRRED UP. I THINK IT'S EXCELLENT THAT DEVELOPERS ARE STIRRED UP. THAT BUILD BUILDERS ARE STIRRED UP, ARCHITECTS ARE PAYING ATTENTION. FRANKLY I THINK THAT ANY KIND OF REGULATION IS GOING TO MAKE MORE WORK FOR GOOD DESIGN BUILD FOLKS AND FOR ARCHITECTS. NOT THAT WHAT'S WRONG WITH McMANSIONS IS PRIMARILY ARCHITECTURE. BUT I THINK A GOOD DESIGNER, A GOOD ARCHITECT CAN FIND WAYS FOR THEM TO MAXIMIZE THE SQUARE FOOTAGE WITHOUT CREATING, WITHOUT RESORTING TO ONE OF THESE HUGE HULKING STRUCTURES, OF WHICH WE HAVE TOO MANY IN THE SOUTH BOSTON. HOUSES ARE BEING MOVED, OR SCAPED EVERY DAY, EVERY TIME I TURN AROUND, I GO DOWN STREET AND HOUSE IS GONE. I THINK THAT A LOT, WITH ALL DUE RESPECT TO THE PEOPLE WHO SPOKE AGAINST, I THINK THAT SOME OF THE -- OF THE PEOPLE WHO SPOKE AGAINST ANY KIND OF REGULATION REALLY DIDN'T UNDERSTAND WHAT THE PROBLEM WAS. AND ALSO I THINK THAT THEY HAVE, THEY DIDN'T REALLY UNDERSTAND WHAT THE -- WHAT THE INTERIM ORDINANCE WOULD DO. AS I SAID, I DON'T THINK IT'S PERFECT BUT -- BUT IT'S NEVER GOING TO START OUT TO BE PERFECT AND BECAUSE YOU HAVE NOW STARTED THE PROCESS AND YOU HAVE NOT GOT PEOPLE ALL OVER AUSTIN TALKING ABOUT IT, I HAVE GREAT HOPES THAT WE ARE GOING TO GET SOMETHING GOOD AND THAT WE ARE GOING TO BE ABLE TO ADDRESS THIS ISSUE AND IT GOT TO BE ADDRESSED OTHERWISE IF WE WAIT YOU KNOW WE WILL HAVE -- WE'LL HAVE NEIGHBORHOODS THAT HAVE CEASED BEING THE KIND OF AUTHENTIC NEIGHBORHOODS AND THANK YOU I HAVEN'T HE'D THAT BOOK, COUNCILMEMBER, BUT I WOULD LIKE TO. THE KIND OF AUTHENTIC NEIGHBORHOODS THAT WE LIKE TO LIVE IN AND

THAT ARE ATTRACTIVE TO OTHER PEOPLE MOVING TO AUSTIN. I ALSO WANT TO SAY THAT, YOU KNOW, NONE OF US, OR AT LEAST NOBODY THAT I KNOW WANTS BUILDERS, ARCHITECTS, DEVELOPERS TO GO HUNGRY. WE DON'T WANT THEIR FAMILIES TO BE HUNGRY. MY FATHER BUILT HOUSES. WHEN I WAS A CHILD WHETHER OR NOT WE HAD MONEY DEPENDED ON WHETHER OR NOT HE WAS ABLE TO BUILD. HE WORKED IN CONSTRUCTION HIS WHOLE LIFE. MOST OF THE TIME HE WORK AS CONSTRUCTION MANAGER FOR A LARGER ORGANIZATION. SOME OF THE TIME HE BUILT HOUSES FOR HIMSELF. HE WAS A VERY STUBBORN MAN, SOME PEOPLE SAY I HAVE ACQUIRED SOME TRAITS FROM HIM. BUT HE REFUSED TO BUILD ANYTHING THAT WASN'T RIGHT. AND HE REFUSED TO CUT CORNERS. HE THOUGHT THAT IF YOU BUILT IT, YOU SHOULD NEVER BE ASHAMED TO LIVE IN A HOME THAT YOU BUILT. AND I THINK THAT'S A GREAT STANDARD. AND I KNOW THAT YOU CAN ENLARGE HOMES, YOU CAN BUILD LARGER HOMES IF THAT'S WHAT YOU WANT, THAT ARE NOT THE KIND OF BOEMOTHS THAT WE REALLY NEED TO CONTROL. AGAIN THANK YOU VERY MUCH, THNG YOU FOR HAVING THE COURAGE TO GET THIS STARTED AND TAKING THE HEAT AND I -- I KNOW THAT YOU'VE HAD A LOT OF CONTACTS FROM A LOT OF PEOPLE WHO -- WHO MAY NOT HAVE BEEN HAPPY ABOUT THIS, BUT I THINK THIS IS A WONDERFUL BEGINNING. THANK YOU.

WELCOME, MS. MAXWELL.

MAYOR AND COUNCILMEMBERS, I'M MARY GAY MAXWELL. I LIVE IN THE NORTH UNIVERSITY NEIGHBORHOOD. IT IS A HISTORIC NEIGHBORHOOD. AND WE HOPE THAT IT WILL CONTINUE TO BE VIABLE AND VIBRANT. WE HAVE FAMILIES THERE WITH CHILDREN, AND WE WANT THAT TO CONTINUE. IEMS ALSO THE COORDINATE -- I'M ALSO THE COORDINATOR OF THE CENTRAL AUSTIN NEIGHBORHOOD PLANNING AREA COMMITTEE WHICH IS AN UMBRELLA GROUP OF SEVEN NEIGHBORHOODS AROUND THE UNIVERSITY. I HAVE COME TO SPEAK IN -- IN SUPPORT OF THE INTERIM REGULATIONS AND -- BUT I WANT TO ADD WHAT THE CONCERN IS IN THE CENTRAL CITY NEIGHBORHOODS AROUND U.T. THAT'S THE CONSTRUCTION OF SUPER SINGLE FAMILY STRUCTURES. THEY ARE NOT REALLY McMANSIONS. BUT THESE STRUCTURES ARE REALLY GROUP HOUSING MASKED AS

SINGLE FAMILY HOUSING BECAUSE THEY ARE BUILT WITH FIVE TO SIX BEDROOMS TO HOUSE UP TO SIX UNRELATED ADULTS. WE RECOGNIZE THE ISSUE OF McMANSIONS WHICH REALLY IS A BUILDING DENSITY NOT A HUMAN DENSITY. OUR US IS A HUMAN DEPOSITION COMMUNITY PROBLEM. THE McMANSIONS ARE A PROBLEM. THEY CAUSE DRAINAGE PROBLEMS AND COMPATIBILITY ISSUES WITH OTHER HOUSES IN THE NEIGHBORHOOD. WHAT I THINK IS NEEDED NOW IS A REWORKING OF ALL OF THE RULES GOVERNING SINGLE FAMILY CONSTRUCTION AND/OR REDEVELOPMENT. CURRENTLY -- [APPLAUSE] CURRENTLY MULTI-FAMILY PROPERTIES HAVE TO OBSERVE COMPATIBILITY STANDARDS. IF THEY ARE BUILT NEXT TO SINGLE FAMILY HOUSING. THAT IS NOT REQUIRED FOR SINGLE FAMILY STRUCTURES. FOR NEIGHBORHOODS NEAR U.T., THE SIX UNRELATED ADULT OCCUPANCY LIMIT IS DISASTROUS TO OUR NEIGHBORHOODS. BECAUSE THAT USE OF SINGLE FAMILY DWELLINGS IS NOT SINGLE FAMILY. THESE HOMES ARE REALLY GROUP HOMES MASKED AS SINGLE FAMILY HOMES. OCCUPANCY NEEDS TO BE SCRUTINIZED AND CHANGED. THESE ARE JUST A FEW OF THE ISSUES WHICH MUST BE ADDRESSED IN RELATION TO SINGLE FAMILY ZONING. THERE ARE MANY MORE ISSUES. BUT I REALLY APPRECIATE THE COUNCIL STEPPING FORWARD TO ADDRESS THE GROWING PROBLEM WITH SINGLE FAMILY ZONING BECAUSE GIVEN THAT THERE ARE NOT A LOT OF REGULATIONS ON SINGLE FAMILY DEVELOPMENT, THAT'S WHERE WE GET THE MOST PRESSURE. AND PEOPLE TAKE THE MOST LIBERTY BECAUSE WE DON'T HAVE THE KIND OF GUIDELINES THAT WE HAVE OVER -- OVER MULTI-FAMILY ZONING. SO I APPRECIATE YOUR COURAGE. I REALLY APPRECIATE YOUR COURAGE YOU DON'T KNOW HOW MUCH I APPRECIATE IT. AND THANK YOU SO MUCH FOR DOING WHAT YOU ARE DOING. [APPLAUSE]

WELCOME.

THANK YOU, IN MAYOR AND COUNCILMEMBERS, MY NAME IS ELIZABETH CASH, I LIVE IN A 1937 COTTAGE IN OLD WEST AUSTIN. I BELIEVE I LIVE IN THE BEST NEIGHBORHOOD IN THE BEST CITY IN THE BEST STATE IN THE BEST COUNTRY IN THE WORLD. AND I'M SO GLAD THAT YOU ARE DOING WHAT YOU ARE DOING TODAY. I THINK THAT THIS INTERIM

ORDINANCE IS ALREADY A SUCCESS, IT'S GOTTEN THIS ISSUE ATTENTION. IT'S GETTING GREAT DIALOGUE HERE TODAY AND WE ARE ON THE WAY TO MOVING TOWARD A RESOLUTION ON THESE IMPORTANT ISSUES. YOU HAVE SUPPORT. IN ADDITION TO THE POLL THAT MR. CANATE REPORTED TO YOU, OUR NEIGHBORHOOD POLLED PROPERTY OWNERS IN THE FALL, WE SENT YOU THOSE RESULTS. THE MAJORITY OF OUR NEIGHBORS ARE CONCERNED ABOUT OUT OF SIZE AND INAPPROPRIATE CONSTRUCTION IN OUR NEIGHBORHOOD. IMENTS VOTED VIA E-MAIL LAST NIGHT AND AN AUSTIN BUSINESS JOURNAL POLL, 62% OF THE PEOPLE THAT VOTED IN FAVOR OF WHAT YOU ARE DOING HERE TONIGHT AT THE TIME THAT I VOTED LAST NIGHT. DRAINAGE IS A PROBLEM. SHOAL CREEK IF YOU GOOGLE SHOAL CREEK AND FLOOD, IN ADDITION TO A LOT OF GREAT PICTURES OF SHOAL CREEK AND A FLOODED STATE THERE'S ALSO A REALLY INTERESTING TUTORIAL THAT'S PUT UP THERE FOR U.T. GEOLOGY STUDENTS. THEY HAVE A FIELD TRIP WHERE THEY TRACE SHOAL CREEK FROM THE HEAD WATERS NORTH AUSTIN, DOWN TO TOWN LAKE HAVE TO NOTE FOR THEIR CLASS ALL OF THE PROBLEMS CREATED BY THE MASSIVE DRAINAGE INTO SHOAL CREEK. IN ADDITION MY CHARMING STREET IS NOW HAVING ITS FIRST McMANSION BUILT ON IT. WE MET WITH THE DEVELOPER, WE APPRECIATED THE OPPORTUNITY TO VISIT WITH HIM. THE BIGGEST ISSUE IN OUR DISCUSSION WITH THE DEVELOPER IS THIS HOUSE IS MAXED OUT IN ALL DIRECTIONS, GUTTERS ALL AROUND IT, THE NEIGHBORS WANTED TO KNOW WHERE IS THAT WATER GOING TO GO? THERE WAS NO EASY ANSWER IN YOUR DISCUSSION. SO YES DRAINAGE IS A CONCERN. A REAL CONCERN. THERE'S A THREAT TO OUR HISTORIC NEIGHBORHOODS AND HOW BIG IS THIS THREAT. I THINK IF YOU LOOKED HYPED EARLIER TODAY YOU SAW THERE ARE A LOT OF PEOPLE INVOLVED IN CHANGING THE FACE OF OUR OLDER NEIGHBORHOODS AND MANY OF THEM INTERESTINGLY HAVE SAID YES, THERE ARE A LOT OF McMANSIONS GOING IN. I BELIEVE IN THE ENERGY AND THE BUSINESS AS A MATTER OF THESE PEOPLE, THESE DEVELOPERS, I BELIEVE THAT IF YOU PUT SOME LIMITS ON WHAT'S GOING ON IN OUR CENTRAL HISTORIC NEIGHBORHOODS THAT THEY WILL STILL FIND WAYS TO BUILD, THEY WILL STILL MAKE MONEY AND YOU WILL STILL

GET TAX MONEY. WHY IS IT IMPORTANT WHAT YOU ARE DOING HERE TODAY? BECAUSE WE MUST PLAN FOR THE FUTURE OF OUR HISTORIC NEIGHBORHOODS. AFTER A CERTAIN AMOUNT OF TIME ORDINARY THINGS LIKE HOUSES AND NEIGHBORHOODS BECOME INVESTED MEANING, THEY BECOME PART OF OUR SHARED HISTORY. AND WHO OWNS HISTORY? NO ONE. AND EVERYONE. EVERYONE IS OUR COMMUNITY AND YOU ARE OUR COMMUNITY LEADERS. AND YOU ARE IN A POSITION TO PROTECT OUR HISTORY FOR OUR FUTURE. THANK YOU AGAIN SO MUCH FOR CONSIDERING THIS ORDINANCE. [APPLAUSE]

Mayor Wynn: COUNCIL THAT TAKE US TO OUR HOUR.

BUMMER I'M THE CLOSING ACT? WELL.

Mayor Wynn: FOR THE TIME BEING, WE ARE GOING TO GET EVERYBODY'S IN. WE ARE STARTING TO -- TO WORK OUR WAY THROUGH THE CROWD QUITE A BIT. SO AFTER YOUR TURN, WE WILL FIGURE OUT HOW TO GO BACK TO EITHER FOLKS STANDING IN LINE EARLIER OR FINISH THESE FEW FOLKS AND THEN WE MIGHT EVEN OPEN IT UP TO PEOPLE WHO STILL ARE HERE AND WANT TO GIVE US SOME TESTIMONY.

MAYOR, I SUGGEST THAT WE JUST TAKE THE SAME PRACTICE WE HAD I THINK ABOUT 10 PEOPLE, ABOUT THREE OF THEM SPOKE FROM THE PREVIOUS GROUP THAT ARE AGAINST. SO AFTER WE HEAR FROM LIKE WE DID TWO PEOPLE AT THE PODIUM, EVERYBODY ELSE SIGNED UP AND SO WHOEVER IS IN LINE I THINK IT WOULD BE FAIR IF YOU JUST HAVE EQUAL TREATMENT ON BOTH SIDES. WE'VE ABOUT SEVEN PEOPLE ON THE OTHER SIDE, SEVEN ON THE OTHER LINE,.

3 MINUTES AT A TIME.

TIME.

YEAH. WELCOME.

GOOD EVENING.

MY NAME IS CHRIS ALLEN, I'M A RESIDENT OF THE ROSEDALE NEIGHBORHOOD FOR THE LAST 18 YEARS, I'M A REGISTERED ARCHITECT PRACTICING IN CENTRAL AUSTIN. I'M GOING TO RUSH THROUGH THIS SEE IF I CAN GO GO FAST. GET OTHER PEOPLE UP. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THE BUILDERS HERE TONIGHT ARE THE GOOD GUYS. THE BAD APPLES WOULDN'T BE HERE TO DEFEND THEIR WORK, I GUESS. THESE FOLKS CAME OUT TONIGHT BECAUSE THEY CARE ABOUT AUSTIN AND THEY WANTED TO SAY THEIR PIECE AND PARTICIPATE IN THE PROCESS. I HEARD NEARLY ALL OF THEM ECHO OUR CONCERNS AND EXPRESS DISDAIN FOR OVERSIZE HOMES. THESE ARE PEOPLE WE CAN WORK WITH. ALL THESE FOLKS WE CAN WORK WITH TO CREATE PERMANENT STANDARDS THAT WE CAN ALL WORK WITH AND BENEFIT FROM. WE JUST NEED TO GET THE DISCUSSIONS STARTED. THE INTERIM RULES ARE A BIT CONFUSING AT FIRST GLANCE, BUT THEY WILL GIVE A LITTLE BREATHING ROOM FOR US TO CONSTITUENT DOWN AND GET STARTED. WE CAN GET A SOLUTION FOR SOMETHING WE ALL RECOGNIZE THAT NEEDS TO BE CORRECTED. [APPLAUSE]

Mayor Wynn: WELCOME.

THANK YOU, GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS ALOYA MATTHEWS AND I LIVE IN THE SHERWOOD OAKS NEIGHBORHOOD. WHEN OUR NEIGHBORHOOD PLAN CAME BEFORE YOU JUST THREE MONTHS AGO, YOU MAY RECALL THAI HANDED OUT TO YOU SOME PHOTOS OF FLOODING IN OUR NEIGHBORHOOD AS WELL AS A SUMMARY OF A 2005 PUBLIC WORKS DRAINAGE STUDY THAT THE CITY KINDLY FUNDED. IT COST \$50,000 TO FUND IT AND THANK YOU VERY MUCH FOR DOING THAT. AND IT INCREASED INCREASED RUNOFF DETENTION TO ST. EDWARD'S DRIVE. I'M CONCERNED THAT I HEARD A LOT OF PEOPLE TONIGHT SAYING FLOODING ISN'T AN ISSUE AND AS THE PHOTOS SHOWED, IT IS IN OUR NEIGHBORHOOD. I'M ALSO CONCERNED THAT ADDING LARGE HOMES IN THIS AREA WOULD WORSEN AN ALREADY BAD DRAINAGE PROBLEM, AND INCREASE FLOODING IN THE HOMES DOCUMENTED IN THE STUDY. THIS IS ONE REASON WHY I

SUPPORT STRONG INTERIM DEVELOPMENT REGULATIONS. ONLY ONE OF THE SO-CALLED McMANSIONS HAVE BEEN BUILT IN SHERWOOD OAKS AND IT IS NOT CONTRIBUTING TO THE FLOODING ISSUE; HOWEVER, I CAN'T SAY THAT IT DIRECTLY IS BECAUSE I DON'T KNOW OF FLOODING ON THAT STREET. I WOULD HAVE TO LOOK AT THE STUDY AND SEE IF ANY OF THE HOMES ON THAT STREET FLOODED. BUT I DO KNOW THAT THE HOMEOWNER NEXT DOOR SOLD HER HOUSE SIX MONTHS AFTER THIS HOUSE WAS BUILT BECAUSE SHE TOLD ME THAT ALL THE SOUTH AND THE WEST LIGHT FROM HER HOUSE WAS BLOCKED. HER HOME BECAME VERY DARK INSIDE DURING THE ENTIRE DAY. THE HOMES IN THIS AREA WERE BUILT IN THE EARLY '60S AND WERE ORIGINALLY UNDER 1200 SQUARE FEET AND AT MOST ONE AND A HALF STORY, AND THIS HOUSE WAS BUILT FOR THREE STORIES. THE OTHER PROBLEM WE'RE EXPERIENCING IN THIS AREA IS THAT SOMEONE ELSE JUST MENTIONED IT, ABOUT THE SUPER SINGLE-FAMILY HOMES. WE CALL THEM FRATERNITY HOUSES. PEOPLE ARE COMING IN AND BUYING HOUSES AND ADDING ON MORE THAN TWICE THE SIZE AND MAKING THEM INTO MULTISINGLE PEOPLE LIVING THERE. I UNDERSTAND THIS IS HAPPENING IN A LOT OF OTHER NEIGHBORS, AND WHAT WE'VE EXPERIENCED, THIS WAS A THREE-BEDROOM, ONE BATH HOME ON MY STREET. IT'S HAPPENED ON TWO OTHER STREETS, THAT WAS REMODELLED TO A FOUR BEDROOM, FOUR BATH HOME, AND SINCE THE PEOPLE HAVE MOVED IN, A.P.D. AS WELL AS TABC HAVE BEEN CALLED TO THIS HOUSE THREE OR FOUR TIMES. I KNOW THAT'S NOT DIRECTLY RELATED TO THE McMANSION ISSUE, BUT OBVIOUSLY THE EXPANSION OF THIS HOUSE ISN'T COMPATIBLE WITH A SINGLE-FAMILY PROPERTY. ALSO THE ELDERLY ORIGINAL HOMEOWNERS WHO LIVE ON MY STREET HAVE TOLD ME THAT THEY'RE MORE CONCERNED ABOUT THE -- [BUZZER SOUNDS]

Mayor Wynn: PLEASE CONCLUDE.

ABOUT BEING ABLE TO AFFORD TO PAY THEIR PROPERTY TAXES EVERY YEAR THAN HAVING A BIG PAYOUT TO THEIR HEIRS WHEN THEY DIE. IF THEY CAN'T PAY THEIR PROPERTY TAXES, THEY WILL HAVE TO SELL THEIR HOUSE AND FIND ANOTHER PLACE TO MOVE. FINALLY, I WANT TO BRING TO YOUR ATTENTION A DAFO A DAFO THAT I WILL SEND TO

YOUR OFFICE. I HAVE STARTED COPYING NEWS STORIES ON THIS McMANSION ISSUE TO SEE HOW IT'S IMPACTING OTHER CITIES AND SEE HOW OTHER CITIES ARE DEALING WITH IT. JUST LAST WEEK ON NBC A STORY WAS PRESENTED ABOUT THIS PROBLEM IN ATLANTA. THE MAYOR'S RESPONSE TO THE PROBLEM WAS TO PLACE A MORATORIUM ON BUILDING IN FIVE URBAN NEIGHBORHOODS UNTIL REGULATIONS COULD BE DEVELOPED TO PROTECT THE CURRENT HOMEOWNERS. AND MORATORIUMS LIKE THESE WERE ALSO SHOWN IN THE STORY IN CHEVY CHASE, MARYLAND. ALSO ON THIS DVD IS A 60 MINUTE STORY FROM LAST YEAR IN WHICH BUILDERS ARE ASKED WHAT IS THE TREND IN HOME BUILDING? AND THEIR RESPONSE IS BIGGER AND BIGGER. BOB TOLL --

Mayor Wynn: PLEASE CONCLUDE, MA'AM, YOUR TIME IS UP.

ACTUALLY, DID I GET SIX MINUTES.

Mayor Wynn: NO, WE'RE TAKING THE SAME APPROACH WE TOOK WITH THE OTHER SIDE.

THE POINT IS THAT THE HOMES WERE BEING BUILT I GUESS BIGGER AND BIGGER AND SO THE STORY BASICALLY SAID WHERE DOES IT STOP? AND THEIR CONCLUSION WAS THAT THE CITIES HAVE THE RIGHT TO LOOK AT THIS AS AN ISSUE AND MAKE SOME RULES ABOUT IT. IT'S NOT JUST TO BE LEFT TO THE MARKETPLACE. THANK YOU.

Mayor Wynn: THANK YOU, MA'AM. [APPLAUSE] AS A REMINDER, CITY STAFF IS DOING THE SPECIFIC CODE INVESTIGATION AS TO HOW OTHER CITIES HAVE PUT REGULAR LAYINGS IN PLACE. WELCOME.

GOOD EVENING. MY NAME'S MARY ENGLE AND I'M CO-PRESIDENT OF THE NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION AS WELL AS A MEMBER OF THE CAMPAC NEIGHBORHOOD ASSOCIATION. A TERM TONIGHT HAS BEEN FLAUNTED, AND I THINK THERE'S SOME CONFUSION ABOUT WHAT IT MEANS, AND IT'S THE WORD DENSITY. AND I WANT TO ASK THAT RHETORICAL QUESTION WHAT DOES DENSITY MEAN? DOES IT MEAN A LARGE HOARM, A GIGANTIC HOME, NO? DENSITY DOES NOT REALLY APPLY TO SINGLE-FAMILY

ZONING. SINGLE-FAMILY ZONING IS ABOUT SINGLE-FAMILIES LIVING IN A HOUSE. SO TO ME DENSITY IS BETTER ACCOMMODATED WITH MULTI-FAMILY ZONING. IN ME NEIGHBORHOOD, AS PREVIOUSLY STATED, WE DON'T REALLY HAVE A PROBLEM WITH McMANSIONS, PER SE, BUT WE DO HAVE THAT THING CALLED SUPER FAMILY STRUCTURES, A SINGLE SUPER FAMILY STRUCTURE. AND HERE'S AN EXAMPLE OF WHERE A PORCH ISN'T SUCH A GOOD THING. WE SOMETIMES HAVE THESE DOUBLE DECKER PORCHES THAT ARE REALLY LARGE AND THEY'RE ADVERTISED AS PARTY DECKS, SO THIS IS A PROBLEM WITH THIS KIND OF DEVELOPMENT. I SUPPORT THIS COUNCIL'S INTERIM MORATORIUM AS WELL AS YOUR PATIENCE THIS EVENING, AND I HOPE THAT IT WILL PROVIDE ENOUGH TIME TO EXPLORE MANY OF THESE COMPLICATED ISSUES. I WOULD HOPE THAT THIS MORATORIUM IN EFFECT WOULD PRODUCE REAL ENFORCEMENT OF THE 45% IMPERVIOUS COVER REGULATION. I WOULD HOPE THAT IT WOULD ALSO ADDRESS OCCUPANCY LIMITS THAT ARE APPROPRIATE FOR NEIGHBORHOODS CLOSE TO CAMPUS, AND I'M TALKING TO TWO TO THREE UNRELATED ADULTS IN A DWELLING. I WOULD HOPE THAT THE PROHIBITION OF -- PROHIBITION OF McMANSIONS WOULD HAVE A POSITIVE ENVIRONMENTAL IMPACT WITH REGARDS TO RUNOFF AND FLOODING, AND I WOULD HOPE LAST BUT NOT LEAST, THAT THE REGULATING OF THIS DEVELOPMENT OF McMANSIONS AND SUPER SINGLE-FAMILY STRUCTURES IN OUR CENTRAL CITY WOULD HELP PRESERVE OUR INNER CITY CHARACTER. ITS ARCHITECTURAL AND HISTORIC FABRIC, ITS HERITAGE. THANK YOU VERY MUCH. [APPLAUSE] HI. MY NAME IS GREG ROGERS, I'M A RESIDENT OF TRAVIS HEIGHTS AND I'M GLAD TO HEAR THAT THE CITY AND THE COUNCIL IS READY TO ADDRESS THIS ISSUE OF THE BIG BOX McMANSIONS COMING IN AND OVERRUNNING OUR NEIGHBORHOOD. IN ADDITION TO THE CURRENT PROPOSED RESTRICTIONS, I WOULD ASK THAT THE CITY COUNCIL CONSIDER RESTRICTIONS THAT LIMIT THE IMPACT OF THESE NEW McMANSION BIG BOX HOUSES HAVE ON THE NEIGHBORING HOUSES. WE USED TO ALLOW CONSTRUCTION OF DOWNTOWN BUILDINGS THAT WENT TO THE SETBACK LINES AND WENT STRAIGHT UP. I WORK IN ONE OF THOSE BUILDINGS, 515 CONGRESS. EVENTUALLY WE REALIZED THAT THAT WAS WRONG. TO

ALLOW BUILDINGS TO GO BACK FROM THE SETBACK LINES AS HIGH AS THEY WISH. AND WE CHANGED THOSE RULES SO THAT THEY HAVE TO STEP BACK AS THEY GO HIGHER AND HIGHER. THE NEW FROST BANK BUILDING IS AN EXCELLENT EXAMPLE OF THAT. WHAT WE'RE LOOKING FOR IS THAT WE APPLIED THOSE SAME RULES IN OUR NEIGHBORHOOD, DO NOT ALLOW THE BIG BOXES TO BE PUT IN ON OUR NEIGHBORHOOD LOTS. THAT'S WHAT'S HAPPENING WITHIN OUR NEIGHBORHOOD, TRAVIS HEIGHTS, WHERE WE SEE ON TRAVIS HEIGHTS BOULEVARD THE LAST YEAR TWO SMALL HOUSES HAVE BEEN TAKEN OFF AND FOUR LARGE BIG BOX McMANSIONS PUT UP IN THE SAME SPACE. UP AGAINST THE SETBACK LINES AND STRAIGHT UP AS HIGH AS THEY CAN GO. ANOTHER POINT I WOULD LIKE TO MAKE IS THOSE WHO SPOKE IN THE FIRST HOUR ASKED THAT YOU NOT VIEW THIS AS AN EMERGENCY AND NOT PUT IN THE MORATORIUM. ESSENTIALLY THEY'RE ASKING YOU TO DELAY THE RULE CHANGES THAT THEY KNOW ARE COMING. THEIR INDUSTRY IS BUILDING THESE BIG BOXES. I'M NOT. I'M A RESIDENT WHO IS TRYING TO LIVE IN A NEIGHBORHOOD THAT HAS CHARMING, ECLECTIC MIX OF MANY STYLES OF ARCHITECTURE, BIG, SMALL, WHATEVER. BUT WHAT THEY'RE DOING IS BUILDING THE BIG SQUARE BOXES THAT MAXIMIZE THE AMOUNT OF SPACE THEY CAN PUT ON THE LOT. WHY DID THEY WANT YOU TO DELAY? THEY KNOW THAT WHEN THERE'S A DELAY, THE EXISTING PERMITS GET GRANDFATHERED IN UNDER THE OLD RULES. THOSE OF US WHO WERE HERE FOR THE NEVER ENDING S.O.S. DEBATES ARE STILL CONTINUALLY SURPRISED EACH TIME WE GO DOWN MOPAC SOUTH OF THE RIVER AND SEE ALL OF THE NEW OFFICES BUILDINGS THAT WERE CONSTRUCTED JUST ABOVE THE CREEK AFTER THE S.O.S. ORDINANCE WAS PASSED. WHY ARE THEY THERE? BECAUSE THEY WERE ALL GRANDFATHERED IN. SO DO NOT DELAY, PUT THE MORATORIUM IN UNTIL WE CAN FIGURE OUT HOW TO PROTECT THE HOMEOWNERS WHO ARE ALREADY THERE FROM THE HOME BUILDERS WHO DON'T CARE WHAT THEY DO. SPECIFICALLY I WANT TO POINT OUT A FEW THINGS ABOUT THE REGULATIONS AND ABOUT THE INCLUSION OF PARKING AND PORCHES. WHEN YOU LOOK AROUND SOME OF THE HOUSES THAT HAVE BEEN BUILT IN TRAVIS HEIGHTS NEIGHBORHOOD OVER THE LAST COUPLE OF YEARS, YOU

WILL SEE ON ALTA VISTA THERE'S A HOUSE THAT HAS A THREE-PLUS CAR GARAGE LARGE ENOUGH FOR THREE STRETCH HUMMERS, CLEARLY NOT WITHIN THE STYLE OR THE -- OF THE NEIGHBORHOOD. [BUZZER SOUNDS] THERE ARE ALSO HOUSES BEING BUILT WITH PORCHES ON THE THIRD FLOOR THAT ARE THE ENTIRE SIZE OF THE HOUSE, EITHER THE WHOLE THIRD FLOOR IS A PORCH. THAT'S NOT A PORCH, THAT'S ANOTHER FLOOR THAT ACTS TO COMPLETELY BLOCK ALL OF THE LIGHT, ALL OF THE AIR FLOW AND WHATNOT TO THE NEIGHBORING HOUSES.

Mayor Wynn: PLEASE CONCLUDE.

SO THINK CAREFULLY ABOUT THE INCLUSION OF PORCHES AND PARKING AREAS. AND THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, SIR. [APPLAUSE]

GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS TERRY FRANZ. I CAME TO SAY THANK YOU FOR YOUR VERY REASONABLE SOLUTION TO A SIGNIFICANT PROBLEM. THE SIGN THAT I'VE BEEN HOLDING IS ONE THAT ONE OF MY NEIGHBORS DREW. IT'S A LITTLE TEENY HOUSE THAT'S SURROUNDED ON BOTH SIDES BY McMANSIONS, AND THE LITTLE TEENY HOUSE IS SCREAMING HELP. THAT'S ANALOGOUS TO THE WAY I FEEL AS A HOMEOWNER RESIDENT COMPARED TO DEVELOPERS AND REAL ESTATE AGENTS. IT WAS -- I WANT TO SAY TOO THANK YOU FOR BENDING OVER BACKWARDS TO HELP PEOPLE UNDERSTAND HOW THEY'RE AFFECTED BY THIS INTERIM ORDINANCE. IT WAS VERY FRUSTRATING FOR ME TO LISTEN THROUGH THE EARLIER TESTIMONY TO ALL THE MISINFORMATION. THIS IS NOT A MORATORIUM, IT'S AN INTERIM ORDINANCE. [APPLAUSE] THANK YOU. I DIDN'T HEAR FROM ANYBODY WHO PRESENTED A BELIEVABLE ARGUMENT AGAINST THE ORDINANCE. MANY SAID, IN FACT, THAT THEY WERE OPPOSED TO McMANSIONS, BUT THEN ARGUED VEHEMENTLY AGAINST PUTTING YOUR INTERIM REGULATIONS IN PLACE. ONE SAID THAT THE PROPOSED INTERIM REGS ROBBED THE REAL ESTATE AGENTS, BUILDERS. THERE'S A FLIP SIDE TO THAT. SOME OF US FEEL THAT THE REAL ESTATE AGENTS, DEVELOPERS AND BUILDERS ARE ROBBING THE CITY OF ITS SAFETY AND ITS

CHARACTER. THANK YOU FOR PROPOSING THIS ORDINANCE
AND THANK YOU FOR LISTENING TO US TONIGHT. [APPLAUSE]

GOOD EVENING, MAYOR, MAYOR PRO TEM, OFF THE DAIS
AND COUNCILMEMBERS. MY NAME IS KATHY TOVO, I'M THE
PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD
ASSOCIATION AND I'LL KEEP MY COMMENTS QUITE SNAPPY. I
JUST WANT TO THANK COUNCILMEMBER MCCRACKEN,
COUNCILMEMBER DUNKERLEY AND COUNCILMEMBER
LEFFINGWELL FOR BRINGING THIS PROPOSAL FORWARD. I
THINK IT'S REALLY AN IMPORTANT PROTECTION FOR
NEIGHBORHOODS, OLDER ESTABLISHED NEIGHBORHOODS
WITH OLDER MODEST SCALE HOUSING. BOULDIN CREEK
ISN'T THE WORST AFFLICTED OF THE URBAN LOCAL OLDER
NEIGHBORHOODS IN THE DOWNTOWN AREA, BUT WE
CERTAINLY HAVE OUR SHARE OF McMANSIONS AND THEY'RE
COMING INTO THE NEIGHBORHOOD WITH INCREASING
FREQUENCY, AND I WOULD SAY ARE CREEPING IN SIZE. THE
MOST RECENT THAT'S BEEN BUILT IN A FEW BLOCK RADIUS
OF MY HOUSE IS I THINK JUST UNDER -- IS LESS THAN ONE
PERCENT OF ITS MAXED OUT IMPERVIOUS COVER, MAXIMUM
IMPERVIOUS COVER LIMITS, AND AT LAST COUNT HAD
ACTUALLY RECEIVED A HEIGHT WARNING, SO THE BEST
CALCULATIONS ARE THAT IT WILL EXCEED THE IMPERVIOUS
COVER LIMIT FOR THAT LOT. THESE OVERSIZED OUT OF
SCALE BUILDINGS CERTAINLY AFFECT THE QUALITY OF LIFE
FOR PROPERTY OWNERS WHO ARE THERE. THEY AFFECT
THE AFFORDABILITY OF OUR NEIGHBORHOODS AND THEY
AFFECT AS MANY OTHER SPEAKERS HAVE MENTIONED, THE
HISTORICAL, CULTURAL FABRIC OF OUR NEIGHBORHOOD.
SO I APPLAUD YOUR EFFORTS ON BEHALF OF THE BOULDIN
CREEK NEIGHBORHOOD ASSOCIATION, I OFFER OUR
STEERING COMMITTEE'S SUPPORT THO FOR THIS
MORATORIUM AND I URGE YOUR SUPPORT OF THEM
TONIGHT. THANK YOU. [APPLAUSE]

GOOD EVENING, MY NAME IS EDWARD TOSH WITH THE
BRYKER NEIGHBORHOOD ASSOCIATION. AND WHY WE'RE
HERE AND WHY IT'S GOTTEN TO THIS POINT, IT'S GOTTEN TO
THIS POINT BECAUSE OF RECKLESS AND IRRELEVANT
RESPONSIBLE REDEVELOPMENT OF OUR NEIGHBORHOODS.
THERE'S A LARGE CONSTITUENCY OF DEVELOPERS HERE.

AND I THINK THAT THE NEIGHBORHOODS AND THESE DEVELOPERS IN THIS ROOM HAVE A LOT MORE IN -- HAVE A LOT MORE SIMILARITIES THAN DIFFERENCES. IN MY BOOK THEY WEAR THE WHITE HATS. WE'RE HERE BECAUSE THE PEOPLE IN THE BLACK HATS, THE PEOPLE AND THE DEVELOPERS WHO IS HAVE EXERCISED A RECKLESS EXERCISE OF EXPLOITING SF-3 ZONING IN OUR NEIGHBORHOODS. AND FUNDAMENTAL TO THIS IS RESPONSIBILITY. SF-3 ZONING EXISTS WITHIN AUSTIN IN AN ENVIRONMENT THAT'S HEAVILY OF PROPERTY RIGHTS ENVIRONMENT. THAT'S GOOD FOR HOMEOWNERS. IT PROVIDES THEM FLEXIBILITIES TO MODIFY THEIR HOME TO MEET THEIR FAMILIES'S EVOLVING NEEDS. WHAT WE HAVE HERE IS WE HAVE SPECULATIVE DEVELOPMENT, A FRENZY OF SPECULATIVE DEVELOPMENT WHO IS EXPLOITING THE SF-3 CRITERIA IN THE NAME OF PROFIT. THE INTEREST IS MIGHT OPENNIC. IT'S NOT WHAT'S BEST FOR THIS CITY, IT'S VEILED INFILL. IT'S WHAT'S BEST FOR THEIR BACK POCKETS. THAT IS WHY WE'RE HERE. [APPLAUSE] BRYKER WOODS HAS BEEN HAMMERED HARD LIKE MANY OTHER NEIGHBORHOODS. WE'RE NOT AGAINST REDEVELOPMENT. FUNDAMENTAL TO REDEVELOPMENT IS REDEVELOPMENT THAT'S APPROPRIATE IN CONTEXT AND SCALE. AND WHAT WE SEE WITH THESE FREQUENTLY REFERRED TO AS McMANSIONS ARE BUILDINGS THAT VIOLATE THAT IN THE NAME OF SQUARE FOOTAGE. THEY HAVE 10, 12-FOOT CEILINGS, FOUR THOUSAND TO FIVE THOUSAND SQUARE FEET, PUSHING THE ENVELOPE ON SETBACKS. CERTAINLY THERE'S A REAL PROBLEM WITH IMPERVIOUS COVER AND RUNOFF. BUT THEY'RE AFFECTING THE STREET SCAPE, AFFECTING THE FABRIC OF THE NEIGHBORHOOD. AND LET ME REMIND ALL HERE THAT WE'RE TALKING ABOUT A MORATORIUM, WE'RE NOT TALKING ABOUT ANYTHING PERMANENT. FOR THE MOST PART WHAT PRESENTED BEFORE COUNCIL THIS EVENING COULD BE DONE WITHIN THIS MORATORIUM. THERE HAVE BEEN SOME EXCEPTIONS. FOR THE MOST PART IT CAN BE DONE. AGAIN, IT'S A MORATORIUM WHILE WHOOIL WE REEVAL 80 WHAT WE CAN DO FOR PEOPLE WHO DON'T HAVE INTERESTS BEST FOR THE CITY, BEST FOR THE NEIGHBORHOOD, BUT BEST FOR THEMSELVES TO FORCE THEM TO EXERCISE SOME RESPONSIBILITY FOR OUR NEIGHBORHOODS AND PROTECT

THE HERITAGE THAT WE HAVE IN THESE CENTRAL AUSTIN NEIGHBORHOODS. SO I KNOW THAT YOU WILL MAKE THE RESPONSIBLE DECISION FOR THE COMMUNITY AND THE FUTURE OF AUSTIN, AND I CONTINUE TO HOPE THAT DEVELOPERS AS OUR NEIGHBORHOODS ARE REDEVELOPED EXERCISE DISCRETION, THAT'S BEST FOR THE NEIGHBORHOOD AND BEST TO THE CITY. AND FOR THOSE WHO DON'T, FOR THOSE WHO ARE IN IT JUST FOR THE BUCK, THAT THESE HOPEFULLY TIGHTENED SF-3 RESTRICTIONS WILL FORCE THEM TO BE SENSITIVE TO CONTEXT AND SCALE. [BUZZER SOUNDS] THANK YOU. [APPLAUSE]

Mayor Wynn: ACTUALLY, THAT DOES IT COUNCIL, I'M READY TO VOTE ON A MOTION TO GO PAST 10:00 P.M. MOTION MADE BY COUNCILMEMBER MCCracken AND I'LL SECOND TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASS OZ A VOTE OF FIVE TO ZERO WITH THE MAYOR PRO TEM AND COUNCILMEMBER COUNCILMEMBER KIM OFF THE DAIS. SO THREE MORE TESTIMONIALS, THEN WE'LL GO BACK TO THE FOLKS STANDING IN LINE WHO WERE GOING TO SPEAK IN OPPOSITION. AND WE MIGHT JUST OPEN IT UP TO SEE HOW MANY FOLKS ARE STILL WITH US. I DO WANT TO HAVE SOME DEBATE, HOWEVER, BEFORE IT GETS TOO LATE AND I WOULD LIKE TO HAVE SOME DEBATE ON THE COUNCIL WHILE THERE'S STILL A DECENT CROWD HERE SO THAT SOME OF THESE ISSUES AND AND QUESTIONS THAT HAVE BEEN BROUGHT TO US CAN BE DISCUSSED OPENLY. WELCOME, SIR.

HI. MY NAME IS DENVER O'NEAL. I'M THIRD GENERATION AUSTINITE. MY BLOOD RUNS DEEP THROUGH HERE. AND I'VE SEEN IT CHANGE AND SOME OF IT FOR THE BAD AND SOME OF IT FOR THE GOOD, AND IT KEEPS CHANGING. IT'S SOMETHING THAT I HAVE TO DEAL WITH AND ADJUST TO. BUT I DON'T KNOW ALL THE TECHNICAL TERMS AND ALL THE ZONING AND ALL THAT, BUT I KNOW WHAT IS AN EYESORE TO ME AND WHAT IS NOT AUSTIN. AND THESE HOUSES THAT USE EVERY INCH OF THEIR LOT TO LIVE IN IS NOT AUSTIN. THERE'S NO GREEN GRASS. THESE PEOPLE FORGET WHAT A BLADE OF GRASS FEELS LIKE ON YOUR FOOT. I ACTUALLY AM -- I REMODEL HOUSES FOR A LIVING, AND THE DIFFERENCE BETWEEN WHAT I DO AND WHAT DEVELOPERS

DO IS I TAKE THE OLD AND I MAKE IT NEW. THEY TAKE THE LAND AND THEY PUT NEW STUFF ON IT. AND I TAKE PRIDE IN THE FACT THAT I'M MAKING OLD AUSTIN NEW AGAIN AND I LOVE EVERY NEIGHBORHOOD IN AUSTIN. I GREW UP IN MANCHACA, DEEP SOUTH AUSTIN. AND THE LOT THAT I USED TO PLAY IN AS A KID IS NOW A HOUSE. AND SO IT -- IT'S HAPPENING EVERYWHERE. AND I APPRECIATE THE FABILITY THAT Y'ALL ARE TAKING FISH ACTIVE TO DO SOMETHING ABOUT IT, AND -- INITIATIVE TO DO SOMETHING ABOUT IT. I WAS AT HOME WATCHING ON TV AND I SAW ALL THE DEVELOPERS JUST GOING CRAZY AND SAYING ALL THESE THINGS, BUT THEY HAVE THEIR BUSINESS TO LOOK AFTER. AND THE PEOPLE THAT WERE FOR THIS HAVE THEIR HOMES TO LOOK AFTER AND THEY LIVE THERE EVERYDAY AND EVERY NIGHT. AND THEY HAVE TO GO BACK TO WHAT THESE PEOPLE ARE MAKING, AND THAT'S NOT FAIR BECAUSE THESE DEVELOPERS ARE GOING HOME TO WHEREVER THEY LIVE AND THEIR MANSIONS AND, YOU KNOW, THEY CAN SLEEP ON THEIR PILLOWS AT NIGHT AND SEE THE SUNLIGHT THE NEXT DAY, BUT THESE PEOPLE CAN'T, AND THAT'S NOT FAIR. AND IT HAPPENS EVERYWHERE. EAST AUSTIN IS HAPPENING, SOUTH OF THE RIVER, WEST, NORTH. OTHER THAN NORTHWEST HILLS. AND IT REALLY HASN'T HAPPENED TOO MUCH OVER THERE, BUT THAT LAND IS ALREADY PRETTY MUCH USED UP AND IT'S PRETTY NICE. I GUESS WE DON'T NEED IT. BUT ONE THING THAT I DO LIKE IS THE REVITALIZATION EFFORTS IN EAST AUSTIN, AND IT'S GOING TO CAUSE SOME PROBLEM WITH DEGENTRIFICATION, BUT IT'S GOING TO BE GOOD FOR AUSTIN, ESPECIALLY THOSE LOW INCOME HOUSES, IF THE PEOPLE CAN STILL LIVE IN THOSE AREAS. AND THE THING I LOVE ABOUT THOSE HOUSES THAT I THINK THE CITY IS INVOLVED IN -- [BUZZER SOUNDS] -- IS THAT THEY LOOK LIKE AUSTIN AND THEY HAVE BACK GARAGES AND THEY'RE A PART OF AUSTIN. AND MAYBE THEY WOULD LOOK LICE NOOIS IN TARRYTOWN. MAYBE WE SHOULD PUT A LANE OF THEM OVER THERE. THAT'S ALL I HAVE TO SAY. I APPRECIATE YOU LETTING ME SPEAK. [APPLAUSE]

Mayor Wynn: WELCOME.

GOOD EVENING, COUNCILMEMBERS AND MAYOR. THANK YOU VERY MUCH FOR LISTENING TO US TONIGHT. I REALLY

APPRECIATE ALL YOUR TIME. I JUST WANTED TO SAY THAT I AM IN FAVOR OF THE TEMPORARY ORDINANCE THAT WE'RE TALKING ABOUT RIGHT NOW. AND WE'RE TALKING ABOUT RULES AND RULES NEED TO BE ENFORCED. A LOT OF WHAT WE SEE, ESPECIALLY AFTER THE FACT, SOMEONE BUILT SOMETHING. IT'S OVER WHAT IT'S SUPPOSED TO BE AND VARIANCES HAVE BEEN VERY EASY TO COME BY, AND THAT'S SOMETHING THAT I WOULD HOPE WE CAN DO SOMETHING ABOUT. WE JUST HAD A HOUSE, A ROW OF THREE LITTLE STONE HOUSES, ONE OF THEM WAS TORN DOWN JUST LAST MONTH. I LIVE IN TARRYTOWN. AND IT'S A LARGE LOT, ABOUT 14,000 SQUARE FEET. AND WE'RE VERY, VERY CONCERNED OF WHAT'S GOING TO COME UP THERE. AND WE FEEL WE JUST HAVE NO CONTROL OVER WHAT HAPPENS IN OUR NEIGHBORHOODS. SO THIS IS WHY WE'RE HERE TONIGHT AND THANK YOU VERY MUCH FOR LISTENING. [APPLAUSE]

I'M ACTUALLY AGAINST THE MORATORIUM. I THINK THAT WAS -- IS THAT ALL RIGHT TO CHANGE BACK OVER?

Mayor Wynn: I THINK IT IS. BECAUSE I WANTED TO -- WELL, WE'LL GO BACK TO THE FOLKS THAT WERE STANDING UP THEN -- IT WAS ABOUT THE SAME NUMBER OF FOLKS THAT WE GAVE THREE MINUTES TO. SABRINA BROWN, SCOTT BROWN, DAVID SCOTT AND HARRY SAVIO. IF YOU COULD BE READY. I'LL RESET YOU. WELCOME.

MY NAME IS DAVID WHITWORTH AND I LIVE IN BRENTWOOD AND I AM BUILDING DUPLEXES IN BRENTWOOD AND I WAS QUITE SURPRISED TO HEAR THAT DUPLEXES AREN'T AFFECTED, BUT I'M SURE I'M NEXT SO I'LL TALK ANYWAY. THIS IS MY LAST PROJECT RIGHT HERE. THAT'S ACTUALLY A TWO-UNIT WHERE THERE WAS ONCE A 770 SQUARE FOOT HOME. EVE EACH ONE OF THESE UNITS IS ABOUT 2,000 SQUARE FOOT. AND I'M QUITE PROUD OF IT ACTUALLY. MY NEXT PROJECT IS ACTUALLY BEING BUILT ON THE LOT -- THE HOUSE I LIVED IN WITH MY WIFE FOR FOUR YEARS. AND, YOU KNOW, IT WASN'T REALLY HISTORICAL, AND FRANKLY, IT WAS KIND OF A RAT TRAP, BUT WE'VE MOVED IT. IT'S NOW IN FLORENCE, TEXAS ON A SUBSTANTIALLY LESS EXPENSIVE PIECE OF PROPERTY, AND SO NOW I'M TRYING TO -- I'M IN THE PROCESS OF BUILDING THE NEXT DUPLEX/TOWN HOME

TO TRY AND MATCH THE -- BRING THE USE OF THE PROPERTY UP TO THE VALUE OF THE PROPERTY. AND I THINK IT LOOKS LIKE FROM SOME OF THE ARGUMENTS TONIGHT IT'S SHAPING UP TO BE A BATTLE OF THE IMPERVIOUS COVER VERSUS THE HEIGHT. ALL THE PICTURES I'VE SEEN TONIGHT HAVE BEEN REALLY -- IT SOUNDS LIKE IT'S TWO STORY THAT IS A PROBLEM. AND IN COMING UP WITH NEW CODES, YOU'RE JUST GOING TO HAVE TO REMEMBER THAT IF YOU START REDUCING IMPERVIOUS COVER -- RIGHT NOW WE CAN ONLY BUILD ON HALF OF OUR LOT IN AUSTIN. SO WE GO UP TWO STORIES. AND IF YOU START BRINGING THE HEIGHT REQUIREMENTS DOWN, THEN WE'RE GOING TO BE BACK TO A THOUSAND SQUARE FOOT HOUSE ON A 10,000 SQUARE FOOT LOT. AND THERE'S A LOT OF VARIABLES AND THEY ALL AFFECT EACH OTHER AND IT'S GOING TO BE A LOT OF HOMEWORK THAT'S GOING TO BE DIFFICULT. AND TO ADDRESS SOME THINGS THAT WERE SAID EARLIER TONIGHT, THIS MORATORIUM DOESN'T APPLY TO THE OUT SKIRTS AND I THINK THAT -- SO PEOPLE ARE GOING TO HAVE TO START BUILDING IN THE OUT SKIRT AND WE'RE BACK TO URBAN SPRAWL, WHICH IS ANOTHER PROBLEM. AND MY UNDERSTANDING IS THAT THE CITY IS INTERESTED IN REVITALIZING THE URBAN CORE, AND I UNDERSTAND THAT IT'S UNCOMFORTABLE WONDERING WHAT THE GUY NEXT DOOR TO YOU IS GOING TO BUILD SOME DAY, AND CERTAINLY THERE HAVE BEEN SOME CRIME AGAINST AESTHETICS BEFORE. SOME OF THE OFFENDERS HAVE BEEN TWO STORY HOMES, BUT THEY'RE ALLOWABLE IN AUSTIN. THE REALITY TWO STORY CONSTRUCTION IS POPULAR BECAUSE YOU CAN ONLY BUILD ON HALF YOUR LOT. [BUZZER SOUNDS] AND IF WE START SQUEEZING IT IN, PEOPLE HAVE COMPLAINED -- ONE LAST THING. PEOPLE ARE COMPLAINING ABOUT PROPERTY TAXES. IT'S A PROBLEM. BUT PROPERTY TAXES ARE BETWEEN YOU AND THE LOCAL GOVERNMENT. IT'S NOT BETWEEN YOU AND SOMEBODY NEXT DOOR TRYING TO IMPROVE THEIR LAND. I MEAN, IF YOUR ONLY TOOL IS BY MAKING YOUR PROPERTY AFFORDABLE IS BY HAVING THE GUY NEXT DOOR LIVE IN AN OUTDATED FRAME HOME, I THINK WE HAVE A PROBLEM. I THINK DENSE PHISING AND SPREADING THE PROPERTY TAXES ACROSS A LARGER TAX BASE IS THE SOLUTION.

THANKS FOR YOUR TIME.

Mayor Wynn: WELCOME. SABRINA.

I DON'T LIVE IN A McMANSION, I LIVE IN A 2400 SQUARE FOOT HOUSE IN THE BALCONES NEIGHBORHOOD. AND WHILE THERE ARE LARGE HOUSES GOING UP IN OUR NEIGHBORHOOD, I FEEL LIKE IT'S THEIR PROPERTY RIGHT TO BUILD WHAT WE WANT TO BUILD. I MAY NOT LOVE IT, BUT I DON'T HAVE TO LOVE IT. IF THEY LOVE IT, THAT'S THEIR RIGHT TO LOVE IT. THERE ARE A LOT OF THINGS I LIKE THAT PEOPLE DO OR DON'T DO AND IT'S THEIR RIGHT TO DO THAT. I SERVED ON THE BOND ADVISORY COMMITTEE. ALSO ON THE TRANSPORTATION AND DRAINAGE SUBCOMMITTEE. NOT ONCE WERE WE EVER TOLD THAT WE HAD AN EMERGENCY DRAINAGE ISSUE RELATED TO McMANSIONS. AS A MATTER OF FACT, THE PEOPLE THAT CAME BEFORE THAT COMMITTEE SAID THAT THERE HAVE BEEN DRAINAGE ISSUES. THERE HAVE BEEN DRAINAGE ISSUES FOR OVER A DECADE, LONG BEFORE THESE McMANSIONS WERE BEING BUILT. SO I FIND IT HARD TO BELIEVE THAT WE ALL OF A SUDDEN HAVE AN EMERGENCY ISSUE ON DRAINAGE DUE TO McMANSIONS. I JUST DON'T UNDERSTAND IT. WE WERE NEVER TOLD THAT. AND IF IT'S SUCH AN EMERGENCY, IF THIS IS SUCH AN EMERGENCY, THEN WHY ARE YOU DISCUSSING MOVING THE BOND ELECTION BACK TO NOVEMBER INSTEAD OF MAY TO GET THIS OUT THERE? ALL OF A SUDDEN WE HEAR ABOUT IT A WEEK AGO AND YOU'RE PROPOSING TO VOTE ON IT TONIGHT, WHICH I'M SHOCKED ON AS WELL SINCE THIS CAME UP A WEEK AGO. AND OF ALL THE PEOPLE WHO CAME HERE TO TESTIFY TONIGHT, CLEARLY THE MAJORITY ARE AGAINST THIS. AND WHY WOULDN'T YOU WANT TO HAVE A TASKFORCE, PUT A TASKFORCE TOGETHER OF ALL THE CONCERNED CITIZENS IN THE DIFFERENT GROUPS AND GIVE THIS MORE THOUGHT AND INPUT BEFORE AN IMMEDIATE VOTE? I REALLY DON'T UNDERSTAND IT. AND I URGE YOU TO TAKE SOME MORE TIME ON THIS. I CAN'T BELIEVE THAT THIS COULD BE AN EMERGENCY. THANK YOU. [APPLAUSE]

Mayor Wynn: SCOTT NORMAN, TO BE FOLLOWED BY JAY BROWN.

THANK YOU, MAYOR, COUNCILMEMBERS. MY NAME IS SCOTT MORE NAN, GENERAL ASSOCIATION TO THE GENERAL COUNSEL OF BUILDERS. WE'RE A STATEWIDE HOME BUILDERS ASSOCIATION. 31 LOCAL ASSOCIATIONS, ONE OF WHICH Y'ALL I'M SURE HAVE MANY HOURS OF INTERFACE WITH OVER THE YEARS, THE GREATER AUSTIN HOME BUILDERS ASSOCIATION IS ONE OF OUR LOCAL ASSOCIATIONS. I WANTED TO SAY BRIEFLY -- I WASN'T GOING TO TESTIFY TONIGHT, BUT COUNCILMEMBER MCCRACKEN LAID SOME STUFF OUT IN HIS OPENING REMARKS THAT SPURRED ME TO ACTION TO COME UP HERE AND AT LEAST SAY ONE COMMENT. IT WAS STATED AND IT'S BEEN STATED IT'S BEEN AN ISSUE ACROSS THE COUNTRY AND AROUND THE STATE IN SEVERAL CITIES IN TEXAS HAVE ADDRESSED THIS OR HAVE BEGUN LOOKING AT WAYS TO ADDRESS THIS. WHILE THAT IS TRUE AND WE HAVE THAT EXPERIENCE WITH OTHER HOME BUILDERS ASSOCIATION THAT HAVE ENGAINLD IN THAT, ONE DIFFERENCE BETWEEN WHAT HAS OCCURRED IN THE OTHER CITIES AND WHAT IS BEING PROPOSED TONIGHT IS AN EMERGENCY, MORATORIUM, INTERIM RULES, WHATEVER YOU WANT TO CALL IT, HOWEVER, IT SEEMS TO HAVE BEEN EITHER TAKEN SOLELY BY COUNCIL OR ONE SIDED FROM THE NEIGHBORHOOD GROUPS OR WHATEVER. AND THE BUILDERS, HOMEOWNERS THAT MAY HAVE PLANS TO REMODEL OR ADD ON TO THEIR HOUSES, VIEWPOINTS HAVE NOT BEEN TAKEN INTO CONSIDERATION. FOR EXAMPLE, I THINK YOU MENTIONED THE CITY OF DALLAS. THEY HAD THIS DEBATE. OUR DALLAS, GREATER DALLAS HOME BUILDERS ASSOCIATION WAS ENGAGED IN THAT DEBATE. THEY GOT ALL THE STAKE HOLDERS TOGETHER. THE MAYOR WAS ONE OF THE ONES INVOLVED IN THOSE DISCUSSIONS. THERE WAS OVER A YEAR OF DEBATE, WENT THROUGH THE COUNCIL PROCESS AND THEY ADOPTED AN ORDINANCE THAT NEITHER SIDE IS VERY HAPPY WITH AS YOU CAN IMAGINE. THAT'S THE WAY COMPROMISE USUALLY WORKS. HOWEVER, THEY INVOLVED EVERYONE, ALL THE STAKE STAKEHOLDERS, AND THEY CAME UP WITH SOMETHING THAT THEY THINK MAY BE ABLE TO WORK. SO THE APPROACH THAT CITY COUNCIL HERE IN AUSTIN IS TAKING, THE TOWN I'VE LIVED IN FOR A LONG TIME THAT I LOVE VERY MUCH, I'M VERY DISAPPOINTED FOR A TOWN THAT HOLDS ITSELF OUT AS BEING INCLIEWS AIF AND

TRYING TO HEAR ALL SIDES. THAT'S WHAT I HAVE TO SAY TONIGHT. [APPLAUSE]

Mayor Wynn: WELCOME, JAY.

THANK YOU, MR. MAYOR, COUNCILMEMBERS. I'M NOT A BUILDER, NOT AN ARCHITECT, NOT A REMODELER. WHAT I AM IS A LAWYER AND A LOBBYIST. I SPEND ALL MY TIME UP AT THE CAPITOL READING LEGISLATION, TRYING TO SERVE MY CLIENTS. I KNOW THIS IS PROBABLY GOING TO SHOCK YOU, BUT OCCASIONALLY PEOPLE TRY TO HIDE THINGS IN LEGISLATION, SO I'VE GOTTEN PRETTY GOOD AT READING LEGISLATION AND FIGURING OUT WHAT THE REAL PURPOSE IS BEHIND IT. I WAS FORTUNATE ENOUGH TO BE GIVEN A COPY OF THIS PROPOSED ORDINANCE YESTERDAY. I HAVE READ IT MULTIPLE TIMES, BACKWARDS AND FORWARDS. NOTHING IN THE CRITERIA IN THIS ORDINANCE HAS TO DO WITH DRAINAGE PROBLEMS. THE FLOOR-TO-AREA RATIO THAT IS TYPICALLY USED IN COMMERCIAL SETTINGS IN DEALING WITH THE DENSITY OR POPULATION DENSITY OF A USE OF A BUILDING SO THAT THE STREETS WILL BE ABLE TO PROPERLY MOVE THAT MANY PEOPLE IN AND OUT OF A BUILDING, IT'S NOT NORMALLY USED IN RESIDENTIAL SETTINGS. AS WAS EXPLAINED EARLIER BY THE ARCHITECT, A HOUSE WITH A LARGER FOOTPRINT WOULD HAVE A GREATER IMPACT ON DRAINAGE BECAUSE OF THE IMPERVIOUS COVER THAN A TWO-STORY HOUSE THAT WOULD RUN AFOUL OF THE PROPOSED FLOOR-TO-AREA RATIO. I THINK THAT IF YOU'RE WANTING TO ADDRESS DRAINAGE, THEN CONCENTRATE ON IMPERVIOUS COVER. IF YOU'RE WANTING TO ADDRESS AESTHETICS, THEN STAND UP, BE PROUD THAT YOU'RE AFTER AESTHETICS. ONE OF THE EARLIER SPEAKERS THANKED YOU FOR YOUR COURAGE. HAVE THE COURAGE TO SAY, WHAT I'M REALLY AFTER ARE BIG HOUSES THAT DON'T FIT IN. AND THIS IS THE INTERIM ORDINANCE ON BIG HOUSES THAT DON'T FIT IN. [APPLAUSE] WHETHER THE ISSUE IS AT THE CITY COUNCIL OR UP AT THE CAPITOL, GREAT PEOPLE CAN DISAGREE ON AN ISSUE. JUST BE UP FRONT AND HONEST ABOUT WHAT IT IS YOU'RE WANTING TO DO AND LET'S DEBATE THE ISSUE AND MOVE ON DOWN THE ROAD. BUT DON'T HIDE BEHIND A DRAINAGE ISSUE. IT'S BEEN A PROBLEM FOR YEARS IN AUSTIN. THERE ARE WAYS WE CAN FIX THIS WITH

INFRASTRUCTURE. JUST ADDRESS IT WHERE IT SHOULD BE ADDRESSED. THANK YOU FOR YOUR TIME. [APPLAUSE]
DAVID SCOTT WILL BE FOLLOWED BY HARRY SAV YO.

BOY, I'M ON ABOUT SIX SIDES OF THIS ISSUE. I LIVE IN HYDE PARK WITH MY WIFE AND SON AND I STEIN AND BUILD ARTS AND CRAFTS HOMES IN THE INNER CITY, ESPECIALLY SOMEWHAT LARGER FAMILY HOMES ON USUALLY SOMEWHAT LARGER LOTS. I DON'T LIKE MONSTER HOMES AND I DON'T LIKE SOME OF THE -- PERSONALLY I DON'T LIKE SOME OF THE MODERNIST OR NON-ARCHITECTURE, PARTICULARLY IN HISTORIC NEIGHBORHOODS. BUT -- AND I STARTED AS AN URBAN PLANNER WITH METRO TORONTO OVER 30 YEARS AGO AND WE WERE DEALING WITH EXACTLY SOME OF THOSE ISSUES BACK THEN. SO I'M CONCERNED THAT WE BE TOLERANT IN CONSIDERATION OF THIS ISSUE AND GIVE IT A REASONABLE AMOUNT OF TIME. AND ALSO SOMETHING WHICH DOESN'T KILL PART OF THE SINGLE-FAMILY BUILDING MOVEMENT IN INNER CITY AUSTIN AT THE - - AT A COMPETITIVE DISADVANTAGE WITH PARTICULARLY WHAT I WOULD CALL APARTMENT BUILDERS. ONE OF MY NEIGHBORS WHO IS AN ACTIVIST WHO SPOKE HERE TONIGHT PRETTY WELL IN FAVOR OF THIS SAID TO ME, WELL, GEE, YOUR HOUSES LARGE. I SAID AND I DO THEM ON LARGER LOTS. AND I SAID, I WOULD BE HAPPY TO BUILD A SMALLER HOUSE FOR YOU IF YOU WOULD STEP UP AND PAY FAIR MARKET VALUE TO ONE OF YOUR NEIGHBORS AND I'D BE HAPPY TO DO YOUR HOUSE FOR YOU. THE HOUSE UP RIGHT NOW BY THE WAY IS THE HOUSE THAT WE LIVE IN. THAT'S A NEW HOME THAT WAS BUILT ON AN OLD VACANT LOT. THE HOUSE NEXT DOOR IS THE GREENHOUSE WHICH SOMEONE PRESENTED EARLIER THIS EVENING. WE'RE SPEAKING MAINLY OF SF-3 ZONING IN THE URBAN WATERSHEDS, AND ONE OF MY CHIEF CONCERNS BOTH AS A RESIDENT AND AS A BUILDER IS THAT EFFECTIVELY WE'RE STILL ALLOWING APARTMENTS ON SINGLE-FAMILY LOTS. TO CALL THEM DUPLEXES IN THE OLD MANNER IS REALLY NOT FAIR. IN THE 1930'S YOU HAD TWO SMALL DUPLEX UNITS. THEY WERE POOR COMPARED TO TODAY, AND THAT WAS FAMILY HOUSING. TODAY IT'S NOT FAMILY HOUSING. THEY'RE ROOMING HOUSES, APARTMENT BUILDINGS. WE'VE DONE 10 HOUSES IN THE HYDE PARK AREA. FIVE OF THEM

HAVE INCORPORATED OLDER HOAMDZ, FIVE HAVE BEEN BRAND NEW HOME. BUT WHEN A FAMILY COMES TO US, WE'RE ALREADY ON AN UNEQUAL FOOTING WITH WHAT I WOULD CALL THE APARTMENT BUILDERS BECAUSE THEY CAN AFFORD TO PAY 20 PERCENT MORE THAN A LOT THAN WE CAN. UNLESS THE FAMILY CHOOSES TO STEP UP AND PAY THAT SPECIAL PREMIUM TO BE IN A SINGLE-FAMILY HOME IN THE HYDE PARK AREA. SO I WOULD SUGGEST SOME SPECIFIC PROVISIONS THAT DON'T ALLOW -- IF YOU'RE GOING TO PUT IN A .4 F.A.A., PUT IN A REALISTIC FAR, WHATEVER THAT IS, BUT DON'T ALLOW THE APARTMENT BUILDERS TO BUILD A 50% MORE DENSITY BECAUSE THAT MEANS THAT EVERY LOT FROM NOW ON 7,000 SQUARE FEET OR MORE OR EVERY LOT IN NORTH HYDE PARK IN THE NORTH LOOP NEIGHBORHOOD, EVERY LOT IS GOING TO GO TO A DUPLEX BUILDER, TO AN APARTMENT BUILDER. [APPLAUSE]

Mayor Wynn: WELCOME.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS HARRY SAVIO. I'M THE EXECUTIVE VICE-PRESIDENT OF THE GREATER HOME BUILDER ASSOCIATION OF AUSTIN. WE COVER A FIVE COUNTY AREA AND APPROXIMATELY 30 MUNICIPALITIES. I WAS GOING TO STICK STRICTLY WITH JUST A VERY FEW TECHNICAL POINTS TONIGHT. ONE IS THE QUESTION OF THE .4 F.A.R. THE LOGICAL QUESTION IS WHERE DOES THAT COME FROM? IT'S VERY SIMILAR TO THE HILL COUNTRY F.A.R., WHICH WE WOULD PROPOSE IS NOT PREEPT FOR AN URBAN -- NOT APPROPRIATE FOR AN URBAN SETTING. WE SAT DOWN WITH A NUMBER OF OUR BUILDERS WEDNESDAY MORNING. BUILDERS THAT SOME OF THESE PEOPLE IN THIS ROOM CALL GUYS WITH WHITE HATS. AND MOST OF THEM SAID THAT THEY NEEDED AN F.A.R. IN THE RANGE OF .6. .6 WOULD ACCOMMODATE ALMOST EVERYTHING THAT THOSE GUYS WERE DOING. AGAIN, THESE WERE PEOPLE WHO WERE BUYING LARGE, MEMBERS OF OUR ASSOCIATION, ARCHITECTS, AND MEMBERS OF THE TEXAS PROFESSIONAL DESIGN INSTITUTE. THE SECOND POINT IS I GUESS AS MUCH OF A QUESTION, BUT MY READING OF THE CODE SAYS THAT ORDINANCES REQUIRE PHYSICAL IMPACT NOTE. MY -- ANOTHER READING OF THE CODE SAYS THAT BEFORE AMENDMENTS TO THE

DEVELOPMENT CODE ARE ENACTED THAT AN ACTION IS REQUIRED BY THE PLANNING COMMISSION, THE PLANNING COMMISSION IS TO HOLD A PUBLIC HEARING PRIOR TO IT COMING TO THE CITY COUNCIL FOR ACTION. IT ALSO REFERENCES THE NEED FOR TECHNICAL COMMITTEE INPUT IF THAT'S APPROPRIATE. I WANTED TO ADDRESS ONE OR TWO ITEMS OF -- I GUESS NOT REBUT, BUT QUESTION SOME OF THE STATEMENTS FROM PEOPLE IN THE AUDIENCE THAT SAID LARGE HOUSES NEXT TO MY HOME MAY DEVALUE THAT. THAT'S SOMETHING THAT I WOULD LIKE TO SEE QUESTIONED OR CHALLENGED OR PROVEN UP, WHICH CAN BE DONE FAIRLY SIMPLY BY JUST GIVING TAX STATEMENTS BEFORE AND AFTER. YOU'VE HAD A LOT OF DISCUSSION OF DRAINAGE VERSUS F.A.R., SO I'M NOT GOING TO GO INTO THAT, BUT I WOULD LIKE TO POINT OUT IN THE YEAR 2000 THAT THE AVERAGE SIZE HOME IN THE UNITED STATES WAS 2066, AND AS ONE OF THE PREVIOUS SPEAKERS FOR THE ORDINANCE SAID, THAT NUMBER HAS STEADILY INCREASED SINCE 2000. WHEN I FIRST CAME TO -- BACK TO AUSTIN -- I HAVE BEEN HERE THREE TIME. THE CITY OF AUSTIN WAS ISSUING ABOUT 75% OF THE BUILDING PERMITS ISSUED IN THE METROPOLITAN AREA. TODAY IT'S CLOSER TO 25%. THAT FLIGHT OCCURRED BECAUSE -- IN NO SMALL PART BECAUSE OF THE DIFFICULTY IN DEALING WITH THE CITY OF AUSTIN OR THE EASE OF BEING ABLE TO PROVIDE MORE AFFORDABLE PRODUCT THAN OTHER MUNICIPALITIES. I WOULD ENCOURAGE YOU NOT TO TAKE STILL ANOTHER STEP IN THAT WRONG DIRECTION. THANK YOU. [APPLAUSE]

Mayor Wynn: WHAT IS YOUR NAME, SIR?

MATT RISINGER?

Mayor Wynn: WERE YOU ONE OF THE FOLKS WHO WERE STANDING IN LINE EARLIER?

I WASN'T. I SIGNED UP TO SPEAK, BUT I WASN'T IN LINE EARLIER. DOES THAT --

Mayor Wynn: YEAH. WE'VE HAD SOME CHANGES TO --

DO YOU WANT ME TO SIT DOWN?

Mayor Wynn: SIT DOWN FOR A FEW MINUTES. WE MIGHT END UP OPENING UP FOR MORE PUBLIC TESTIMONY. THERE'S STILL MORE FOLKS SIGNED UP WISHING TO SPEAK, BUT AT SOME POINT I WANT THE COUNCIL TO WEIGH IN ON SOME QUESTIONS AND DEBATES NOW. SO WE'LL SEE WHAT COUNCIL'S WILL IS FOR MORE TESTIMONY.

THANK YOU.

Mayor Wynn: THANK YOU. AAPOLOGIZE. COUNCIL, NOW WITH A COUPLE OF AMENDMENTS, WE'VE NOW HAD, OH, A COUPLE OF HOURS OF TESTIMONY ESSENTIALLY, AND EVEN AN AMOUNT OF TESTIMONY FROM FOLKS IN FAVOR, FOLKS IN OPPOSITION, FOLKS WHO TALKED ABOUT ISSUES AND IN IS SENSE ISSUES THAT MAY NOT EVEN BE ADDRESSED BY THIS PROPOSED ACTION. THERE ARE STILL FOLKS TECHNICALLY WHO HAVE SIGNED UP HOURS AGO TO SPEAK. MY INSTINCT IS MANY OF THEM HAVE LEFT, NOT ALL, BUT AT SOME POINT BEFORE IT GETS TOO LATE AND WHILE THERE IS STILL AS MANY PEOPLE SO INTERESTED IN THE ISSUE IN THE ROOM, I WOULD LIKE FOR US TO HAVE SOME OF THIS DEBATE BEGUN AND SOME OF THE QUESTIONS EVEN POSED TO STAFF AND SOME DEBATE. SO MY RELIGIOUS IS THAT WE BEGIN -- MY RECOMMENDATION IS THAT WE BEGIN THAT NOW. WITH ALL DUE RESPECT TO FOLKS WHO ARE HERE AND PROBABLY STILL WOULD LIKE TO ADDRESS US, GIVEN THE CHANCE, RECOGNIZING THERE'S GOING TO BE LOTS MORE PUBLIC DEBATE ABOUT THIS ISSUE OVER THE COMING WEEKS, I THINK IT MIGHT HELP US NOW TO GET SOME OF THE COUNCIL DAIS DISCUSSION BEGUN. SO QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, THERE HAVE BEEN SEVERAL FOLKS WHO HAVE GONE OUT TO FIND OUT HOW THINGS THEY'RE TRYING TO DO WOULD BE AFFECTED. AND I DON'T KNOW IF WE HAD SOME ANSWERS FOR OUR REVIEW.

Mayor Wynn: GOOD POINT. THERE WERE A COUPLE OF FOLKS, MOSTLY HERE TO -- THEY WERE SHOWING THEIR CONCERN AND SPEAKING AGAINST THE ITEM. WE ASKED THEM TO STEP OUT INTO THE LOBBY AND MEET WITH STAFF AND SEE IF THE PLANS THEY WERE TALKING ABOUT COULD BE CONSTRUCTED URN THE RULES THAT ARE PROPOSED.

SO IF ANY OF THOSE FEEKZ ARE HERE, -- FOLKS ARE HERE, THEY COULD STEP FORWARD.

McCracken: OR MAYBE IF SOMEONE FROM STAFF WHO MET WITH THEM COULD TALK WITH US AND TELL US WHAT THEY FOUND OUT.

LUCY GALLON GALAHAN WITH WATERSHED PROTECTION AND REVIEW. I ACTUALLY SENT THE STAFF HOME BECAUSE THEY HAVE TO BE BACK AT EIGHT OAK TO DEAL WITH A NUMBER OF CUSTOMERS WHO WILL BE COMING BACK TO TALK TO US ABOUT THIS ORDINANCE THAT IF IT PASSES TONIGHT. I DID GET A CHANCE TO GO IN AND OUT QUITE A BIT, AND SEVERAL OF THE PEOPLE WHO ASKED QUESTIONS WHO WERE CONCERNED ABOUT THEIR PROJECT, IT APPEARED THAT THEIR PROJECT WOULD PROBABLY WORK UNDER THE RESTRICTIONS THAT ARE BEING PROPOSED OTHERWISE WOULD NOT. SO THERE WAS SOME THAT COULD AND SOME THAT COULD NOT.

McCracken: I UNDERSTAND THAT THERE HAVE BEEN ---- I HATE TO USE THE TERM, BUT A FLOOD OF APPLICATIONS THIS WEEK IN ANTICIPATION OF THE ACTION, WHICH OBVIOUSLY IS -- IS SOMETHING THAT WOULD BE HELPFUL FOR US TO KNOW THE RAMIFICATIONS OF EXTENDING TIME OR NOT WHAT WHAT IS YOUR EXPECTATION OF WHAT HAS BEEN HAPPENING THIS WEEK?

WE HAVE HAD A FLOOD OF APPLICATIONS SUBMITTED. AGAIN, MOST OF THE PEOPLE ARE JUST UNCERTAIN ABOUT WHETHER THIS IS GOING TO AFFECT THEIR PROJECT OR NOT. SOME OF THE APPLICATIONS WOULD HAVE WORKED ANYWAY. WE JUST DON'T KNOW YET BECAUSE THERE HAVE BEEN SO MANY WE HAVEN'T HAD A CHANCE TO GET IN THERE AND DO A COMPLETE REVIEW. PEOPLE ARE JUST SUBMITTING STUFF AND WE'RE ALLOWING THEM TO SUBMIT THEM, GIVING THEM A TRACKING NUMBER AND THEN DURING THE NEXT WEEK OR SO WE'LL ACTUALLY BE LOOKING AT THOSE AND SEEING IF THEY COMPLY WITH WHATEVER ORDINANCE IS PASSED TONIGHT OR IF THEY MIGHT HAVE COMPLIED BEFORE. SO WE JUST DON'T KNOW THE IMPACT AT THIS POINT.

Mayor Wynn: REMIND ME, WHAT IS REQUIRED FOR AN APPLICATION FOR A PERMIT? I SUSPECT TO WHAT LEVEL OF DRAWINGS?

WE DO REQUIRE A SCALE DRAWING OF THE PLOT PLAN CHRKS A DRAWING THAT SHOWS A FOOTPRINT OF EVERY BUILDING ON THE LOT, THE DRIVEWAY, ALL THE FLAT WORK. WE DO ALSO REQUIRE FOR NEW CONSTRUCTION REQUIRE ELEVATIONS THAT WILL SHOW US THE HEIGHT OF THE BUILDING. WE ALSO REQUIRE FLOOR PLANS SO WE CAN SEE THE USES INSIDE THE BUILDING, THE BEDROOM, THE KITCHEN, THE BATHROOMS, ALL OF THAT IS REQUIRED TO BE SUBMITTED. THERE IS AN APPLICATION. THE APPLICATION REQUIRES THAT YOU CALCULATE YOUR IMPERVIOUS COVER, YOUR BUILDING COVER. YOU PROVIDE YOUR LOT SIZE.

Mayor Wynn: SO IT SEEMS TO ME THEN IF SOMEBODY, AND I DO UNDERSTAND IT, RUSHED TO GET AN APPLICATION IN OVER THE LAST COUPLE OF DAYS, IT SOUNDS LIKE ALMOST BY DEFINITION THAT THEY WOULD HAVE BEEN WORKING ON THAT PROJECT FOR SOME PERIOD OF TIME. THEY ALREADY HAD -- LIKELY ALREADY HAD ARCHITECTS OR OTHER DESIGNERS HAVING DRAWN VIRTUALLY ALL OF THIS INFORMATION. SO IT SEEMS TO ME IN THOSE CASES THOSE ARE GOING TO BE -- IF THE INTERIM RULES WERE TO GO SOME PLACE NEEDLY, SOME PEOPLE WERE USING THE WORD MORATORIUM, BUT THEN WE HAD THE EARLIER DISCUSSION ABOUT HARDSHIPS OR VARIOUS PROCESSES AND IT SEEMS TO ME IF SOMEBODY HAS ALREADY SPENT A SIGNIFICANT AMOUNT OF TIME, EFFORT AND MONEY WITH AN ARCHITECT OR A BUILDER, THEN THAT WOULD MAKE A PRETTY STRONG CASE FOR A HARDSHIP, THOSE ARE THE FOLKS PROBABLY THAT ARE RUSHING TO GET THEIR PERMITS IN.

CORRECT.

Mayor Wynn: AND I GUESS I'M TRYING TO FIGURE OUT HOW PRACTICAL IT IS THAT SOMEONE WHO IS JUST, YOU KNOW, SOMEWHAT CASUALLY IN A VERY PRELIMINARY WAY LOOKING AT SOME LOT SOMEWHERE IN CENTRAL AUSTIN NOW IN A MATTER OF THREE TO FIVE DAYS, A WEEK'S TIME,

IN PRACTICAL TERMS COULD EVEN HAVE TIME TO GET TOGETHER ALL THE INFORMATION, ALL THE REQUIREMENTS THAT YOU ALL HAVE TO EVEN MAKE AN APPLICATION.

IT WOULD BE PRETTY DIFFICULT.

McCracken: MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: IN TERMS OF WHO'S BEEN COMING THERE, I'VE SEEN SOME E-MAIL REFLECTING THAT IT'S A MIX OF FOLKS WHO ARE IN THE DEVELOPMENT BUSINESS THAT HAVE QUITE A FEW PROPERTIES ALONG WITH INDIVIDUAL HOMEOWNERS. WHAT IS YOUR ACTUAL EXPERIENCE IN TERMS OF AS WE TRY TO ASSESS THE IMPACT OF ACTING TONIGHT VERSUS NOT ACTING TONIGHT, WHAT IS YOUR ASSESSMENT OF THAT VERY HEAVY TRAFFIC AND PEOPLE COMING THROUGH THIS WEEK OF WHO'S BEEN COMING THROUGH?

OF THE APPROVAL PROCESS?

YEAH, SUBMITTING PERMITS THIS PAST WEEK. YOU SAID THERE'S BEEN A VERY HEAVY FLOW OF PEOPLE.

WE HAVEN'T HAD A CHANCE TO REVIEW THEM. I'M GOING TO TAKE A WILD GUESS AND ASSUME THAT MANY OF THEM WILL BE APPROVED. MANY OF THEM SUBMITTED NOT KNOWING. SOME PEOPLE THOUGHT THERE WAS A MORATORIUM WHERE YOU COULDN'T BUILD ANYTHING. I THINK THAT WAS THE FEAR, SO THEY SUBMITTED STUFF. THEY WEREN'T FULLY AWARE THAT DURING THIS TIME YOU COULD STILL CONTINUE TO BUILD AND YOU COULD BUILD' R. A FAIRLY SUBSTANTIAL HOUSE, BUT BECAUSE OF THE FEAR OF THE UNKNOWN, THEY SUBMITTED IT.

McCracken: THIS WAS DIFFERENT. I'M TRYING TO GET A SENSE OF THE IMPACT OF -- IT'S A REAL CONCERN THAT IF WE'RE GETTING SWARMED AND FLOODED WITH APPLICATIONS THIS WEEK, I THINK IT'S A REAL CONCERN THAT WE COULD EXPECT THAT TO CONTINUE IF WE DON'T ACT NOW. AND SO I'M TRYING TO GET A SENSE OF WHAT'S

BEEN COMING THROUGH. YOU TOLD ME THAT I GUESS KIND OF THE MINDSET OF SOME OF THE PEOPLE COMING THROUGH, BUT IF WE HAD PEOPLE COMING THROUGH SUBMITTING MULTIPLE APPLICATION WHICH WOULD REFLECT THEY WERE IN THE BUSINESS AS OPPOSED TO INDIVIDUALS?

I COULDN'T ANSWER THAT QUESTION, I'M SORRY.

McCracken: ALL RIGHT. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. JUST A REAL BRIEF COMMENT ABOUT -- WHAT THE ORDINANCE ACTUALLY DOES OR THE PROPOSED ORDINANCE BECAUSE I THINK DIFFERENT FOLKS WHO SPOKE HAD DIFFERENT IDEAS OR ASSUMPTIONS BEHIND WHAT THE PROPOSED ACTION OR RESOLUTION WOULD DO OR ORDINANCE WOULD DO. FOR ME THE EASIEST OPTION TO UNDERSTAND IS THE 2500 SQUARE FOOT ONE BECAUSE REGARDLESS OF WHETHER IT'S A DEMOLITION PERMIT AND A NEW CONSTRUCTION OR WHETHER YOU'RE ADDING ON, YOU KNOW, IT SAYS THE GREATER OF 2500 OR THESE TWO OTHER OPTIONS. SO 2500 SQUARE FOOT STRUCTURE IS REALLY THE STARTING POINT HERE, AND SO FOLKS AT HOME MAYBE WHO ARE THINKING HOW THEY MIGHT BE AFFECTED BY WHATEVER IS BEING CONSIDERED, I MEAN, THAT'S A GOOD PLACE TO START. I REALLY COULDN'T TELL YOU HOW THE F.A.R. WOULD AFFECT EITHER THE SQUARE FOOTAGE, BUT AGAIN, EITHER THE FLOOR TO AREA RATIO OR THE OTHER CRITERIA COULD ALLOW FOR MORE THAN 2500, AND THAT'S WHAT THE FOLKS OUT THERE WHO ARE LOOKING TO BUILD A NEW STRUCTURE OR TO ADD ON, AND FROM MY POINT OF VIEW, 2500 SQUARE FOOT AS REALLY THE STARTING POINT IS -- IS PRETTY PERMISSIVE. MY WIFE AND I, WE OWN A THOUSAND SQUARE FOOT HOUSE IN EAST AUSTIN, AND WE'VE BEEN LOOKING AT A REMODEL, AND WE'RE LOOKING AT, YOU KNOW, 500 TO A THOUSAND SQUARE FEET. SO AT THE MOST WE'D BE UP TO 2,000 SQUARE FEET. THAT'S EVEN IF WE DOUBLE OUR CURRENT SQUARE FOOTAGE. AND SO IT JUST SEEMS LIKE -- AND WE'D LOVE TO BE ABLE TO AFFORD THAT.

WE'RE NOT SURE WE CAN GET THERE EXACTLY, BUT -- SO AT LEAST FROM MY POINT OF VIEW I THINK FROM THE STANDPOINT OF DEMOLISHING AN EXISTING STRUCTURE AND BUILDING A NEW STRUCTURE, TO ME IT SEEMS LIKE YOU'RE STARTING AT 2500 SQUARE FEET. THE WAY THIS ORDINANCE IS, IS STRUCTURED, IF YOU WANT TO ADD ON, YOU COULD ACTUALLY DO MORE THAN 2500 SQUARE FEET BECAUSE IT SAYS THE EXISTING -- ONE OF THE OPTIONS IS THE EXISTING SIZE PLUS ONE THOUSAND SQUARE FEET. SO LET'S SAY YOU'RE A LITTLE UNDER 2500, YOU'RE 2450, SO YOU COULD ACTUALLY GO 2450 PLUS A THOUSAND, AND SO FOR AN ADDITION YOU COULD ACTUALLY DO A LOT MORE THAN FOR DEMOLISHING A HOUSE AND BUILDING A BRAND NEW ONE. AND SO AT LEAST -- AND THINKING ABOUT MY OWN SITUATION, IT SEEMS LIKE MORE ADVANTAGEOUS TO TRY TO ADD ON THAN TO DEMOLISH AND BUILD NEW THE 2500 SQUARE FEET. SO THAT'S JUST A LITTLE SOMETHING I WANTED TO -- I JUST WANTED TO SHARE THAT BECAUSE, AGAIN, WHAT WE'RE TALKING ABOUT HERE IS NOT A MORATORIUM ON BUILDING ON SINGLE-FAMILY LOTS, IT'S BUILDING BUILDINGS THAT ARE ON THIS SCALE THAT I JUST - - I TRIED TO EXPLAIN, MAYBE NOT VERY CLEARLY, BUT REALLY WE'RE LOOKING AT A SCALE BIGGER THAN 2500 2500 SQUARE FEET. AND SO THAT'S KIND OF A SIMPLE WAY OF MAYBE TRYING TO UNDERSTAND AT LEAST THE INTERIM REGULATIONS THAT ARE BEING CONSIDERED AND THAT WOULD BE IN EFFECT FOR A VERY LIMITED AMOUNT OF TIME. THESE ARE NOT THE REGULATIONS NECESSARILY THAT WOULD BE IMPLEMENTED ON A PERMANENT BASE, BUT WE'RE TALKING 60 TO 90 DAYS OF THESE PARTICULAR REGULATIONS BEING IN PLACE, AND SO IT'S NOT AN INDEFINITE SORT OF THING, AND SO I JUST WANT TO MAKE SURE THAT THAT'S REALLY SOMETHING THAT THE PUBLIC THAT'S MAYBE WATCHING AT HOME HAS AN UNDERSTANDING OF, IS THAT THIS IS NOT GOING TO LAST A LONG TIME. WE'RE TRYING TO GET THROUGH THIS PROCESS AS QUICKLY AS POSSIBLE. SO THAT THE CONCERNS OF EVERYONE INVOLVED MAY BE ADDRESSED. THAT'S JUST A COUPLE OF THINGS I WANTED TO SHARE, MAYOR. I MAY HAVE A FEW MORE COMMENTS BEFORE WE ACTUALLY VOTE, BUT IT'S -- IT IS A COMPLEX ISSUE AND THE INTERIM REGULATIONS THAT ARE PROPOSED, I MEAN, IT'S

NOT NECESSARILY EASY TO UNDERSTAND, BUT WANTED TO TRY TO BREAK IT DOWN AS A BASIC LEVEL AS POSSIBLE. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: FIRST I WANT TO SAY IT'S BEEN SUGGESTED HERE TONIGHT THAT WE TAKE INPUT FROM THE PUBLIC IN VARIOUS FORMATS TO COME UP WITH A BETTER ORDINANCE. THAT'S WHAT WE'RE DOING. THAT'S WHAT -- THAT'S THE PROCESS THAT'S GOING TO BE SET IN PLACE. I PROPOSE A VERY FLEXIBLE FREEZE ON REBUILDS AND REMODELLING. THERE HAVE BEEN A LOT OF THINGS SAID HERE TONIGHT. THERE WERE COMMENTS ABOUT SMART HOUSING. WE SOUGHT INPUT FROM THE CITY'S SMART HOUSING OFFICER, AND HE TO THE BEST OF MY KNOWLEDGE IS HAPPY THAT THIS WON'T AFFECT HIM. THERE WERE COMMENTS ABOUT YOU COULDN'T HAVE BIG PORCHES, UNENCLOSED PORCHES DO NOT COUNT IN THE GROSS AREA CALCULATION FOR F.A.R. THERE HAVE BEEN A LOT OF COMMENTS ABOUT DUPLEXES. THE PROPOSAL DOES NOT APPLY TO DUPLEXES. AND VERY IMPORTANTLY, THERE'S BEEN A LOT OF TALK ABOUT THE CHALLENGE TO THE BASIS, THE JUSTIFICATION FOR THE EMERGENCY ORDINANCE THAT IT WAS A BOGUS CLAIM, THERE'S NO DRAINAGE PROBLEM. I WOULD SUBMIT THAT WE HAVE 800 MILLION DRAINAGE PROBLEMS HANGING OVER OUR HEAD AND HAVE FOR A COUPLE OF YEARS IN BACK PROJECTS FOR DRAINAGE IN THE CENTRAL CITY. IT WAS SHOWN HERE TONIGHT THAT WE'VE HAD FLOAR FLOOD -- 34 FLOODING INCIDENTS SINCE 1998 IN THE CENTRAL CITY. SO I DON'T THINK THAT'S A BOGUS CLAIM AT ALL. I THINK IT'S A VERY FLEXIBLE -- I HEARD A LOT OF TESTIMONY HERE TONIGHT FROM SOME OBVIOUSLY VERY TALENTED ARCHITECTS. I DID NOT HEAR ONE SPECIFIC INSTANCE OF WHERE I WANTED TO BUILD THIS AND I COULDN'T DO IT BECAUSE IT DIDN'T MEET ANY OF THESE CRITERIA. A LOT OF PICTURES, A LOT OF THAT SORT OF THING. I HEARD NOTHING SPECIFIC.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER KIM.

Kim: I THINK THERE ARE SEVERAL PROBLEMS THAT WE HAVE HERE. CLEARLY THAT HOMEOWNERS RELY ON THEIR HOUSE AS THEIR BIGGEST ASSET, AND IN SOME CASES THE ONLY ASSET THEY HAVE TO FUND THEIR RETIREMENT. I THINK THAT'S ONE ISSUE. ANOTHER IS THAT WE'RE TRYING TO GET A HANDLE ON THE McMANSION PROBLEM, AND I DON'T THINK ANYONE IN THIS ROOM LIKES WHAT'S HAPPENING WITH THESE HUGE STRUCTURES THAT ARE TOWERING OVER OTHER SMALLER SINGLE-FAMILY HOMES. WE'RE ALSO SEEING THAT THERE WAS A CLASS AT U.T., INFORMAL CLASSES ON FLIPPING PROPERTIES, AND THAT CLASS WAS FULL, OVER 100 PEOPLE, AND WEEKS BEFORE IT STARTED, SO THERE IS A PROBLEM IN SPECULATION, PEOPLE WHO FOR SOME REASON -- CLEARLY THEY HAVE FOUND THIS AS A WAY TO MAKE MONEY, TO HAVE SOME POSITIVE CASH FLOW, THEY LOST MONEY IN THE STOCK MARKET. THIS IS JUST THE NEW CRAISES, I THINK, IN -- CRAZE IN INVESTING IS IN REAL ESTATE. AND IT'S NOT JUST DEVELOPERS, IT'S REGULAR PEOPLE. SO WE DO HAVE A PROBLEM WITH THIS, AND THE WAY THAT THEY'RE MAKING MONEY IS BY -- IN SOME CASES BY BUILDING LARGER STRUCTURES OR ALLOWING -- BUYING IT AND THEN SELLING IT WITH THE HOPES WHO WHOEVER BUYS IT WILL BUILD A LARGER STRUCTURE TO GET MORE EQUITY OUT OF IT. BUT I AGREE WE HAVEN'T SEEN A SINGLE CASE THAT PROJECTS THAT WERE SHOWN AS EXAMPLES HERE TONIGHT COULDN'T BE ACCOMPLISHED DURING THE INTERIM RULES,, BUT I ALSO SEE THAT WE HAVE A SERIOUS PROBLEM THAT AFTER ALL THE EXPLANATION WITH THE STAFF ADDRESS ADDRESSING - - OUTSIDE ADDRESSING CERTAIN CASES, THERE'S STILL A PERCEPTION THAT THE COUNCIL IS RUSHING AND OVERREACTING. THERE IS A FEAR THAT INDIVIDUALS AND SPECULATORS WILL RUSH TO FILE MORE DEMOLITION AND REMODELLING PERMANENTS, SO I'M OFFERING THIS AS A POSSIBLE SOLUTION. LET'S APPOINT AN EMERGENCY TASKFORCE NEXT WEEK WITH A DIRECTIVE TO MAKE RECOMMENDATIONS TO THE COUNCIL FOR CONSIDERATION ON MARCH SECOND, AND THAT'S THREE WEEKS FROM NOW, AND THERE'S NOTHING PREVENTING GROUPS FROM WORKING WITH THE SPONSORS AND WORKING WITH STAFF TO IRON THESE DETAILS OUT BEFORE WE FORMALLY APPOINT THE MEMBERS NEXT THURSDAY. AND IN THE

MEANTIME DIRECT THE CITY MANAGER TO GIVE US DAILY REPORTS ON THE NUMBER OF PERMITS AND RED RED FLAG IF IT SEEMS LIKE THERE IS CONTINUING TO BE A RUSH TO DEMOLISH OR TO REMODEL HOMES IN AUSTIN ABOVE THE NORMAL RATE. AND IF THAT HAPPENS, THEN WE ON COUNCIL CAN GO AND WE'LL HAVE NO CHOICE BUT TO PASS INTERIM REGULATIONS WHILE THE TASKFORCE IS COMPLETING ITS WORK. SO IF THIS MOTION PASSES, I DON'T KNOW IF IT IT WILL, BUT IF IT DOES WE WILL GIVE YOU WHAT YOU NEED IN TERMS OF THE BUILDERS AND GIVING YOU MORE TIME, BUT YOU NEED TO GIVE US WHAT WE NEED AS WELL AND WORK WITH US TO FIND A SOLUTION. [APPLAUSE]

Mayor Wynn: I WANT TO MAKE SURE I CAPTURE THIS CORRECTLY, COUNCILMEMBER. SO THE MOTION IS TO --

Kim: TO I GUESS POSTPONE ACTION ON THIS ITEM. WE COULD SAY UNTIL MARCH SECOND. [APPLAUSE] AND APPOINT A TASKFORCE NEXT WEEK IF WE WANT TO. AND DIRECT THE STOIRM GIVE US -- CITY MANAGER TO GIVE US DAILY REPORTS ON THE NUMBER OF PERMANENTS FOR DEMOLITION AND REMODELING.

Mayor Wynn: BEFORE I ASK FOR A SECOND, I HAVE A HANDFUL OF QUESTIONS THAT I THINK VERY MUCH RELATE TO THAT. THE FIRST OF WHICH IS MY UNDERSTANDING IS WHETHER IT'S POSTED THIS WAY OR NOT, THAT STAFF IS READY FOR FIRST READING ONLY ON THE INTERIM DEVELOPMENT ORDINANCE, CORRECT?

YES, THAT'S CORRECT.

Mayor Wynn: AND BY FIRST READING ONLY -- AND THEN WE'RE POSTING AGAIN FOR NEXT WEEK FOR I GUESS POTENTIALLY FOR SECOND AND THIRD READING, SO -- SO REMIND ME HOW DOES FIRST READ WILLING ONLY, HOW DOES -- FIRST READING ONLY, HOW DOES THAT -- SINCE AN ORDINANCE ISN'T PASSED, HOW IS IT THAT IT THEN -- SO DOES IT GO INTO EFFECT AFTER ONLY IN THE FIRST READING?

MAYOR, YES. UNDER THE STATUTE, BECAUSE WE PUT A

NOTICE IN THE NEWSPAPER ON SUNDAY, WE HAD TO HAVE A PUBLIC HEARING WITHIN FOUR DAYS, AND ONCE THE PUBLIC HEARING HAS BEEN DONE, THEN THE INTERIM REGULATIONS ARE IN EFFECT AS OF TOMORROW. REGARDLESS OF WHETHER IT'S FIRST READING ONLY. [APPLAUSE]

Mayor Wynn: OKAY. SO WE HAVE A MOTION TO POSTPONE ACTION FOR ONE WEEK WITH SOME ADDITIONAL INSTRUCTIONS OF CITY MANAGER. THE MOTION DIES ON A LACK OF A SECOND, BUT I WANT TO CONTINUE SOME DISCUSSION. [APPLAUSE] SO I'LL JUST START. I HAVE A NUMBER OF CONCERNS AS WELL. ONE IS THAT AS I UNDERSTAND THE TRAJECTORY THAT WE'RE ON IS THAT IT GOES AS INITIATED TONIGHT, THERE WOULD BE AN INTERIM DEVELOPMENT REGULATION, AND THE PLAN IS PERHAPS FOR 60 -- AS FEW AS 60, PERHAPS 90 DAYS, SOMETHING TO THAT EFFECT, RELATIVELY SHORT FOR DEVELOPMENT REGULATIONS AND ORDINANCES, A RELATIVELY SHORT INTERIM PERIOD. AND THEN BECAUSE IN THE SAY 90 DAYS OR SO WE WOULD THEN HAVE, FOR LACK OF A BETTER TERM, THE LONG-TERM REGULATIONS OR ORDINANCE AMENDMENT THAT CAPTURE AND PERHAPS AMEND SLIGHTLY, PUSH OR PUSH BACK A LITTLE BIT ON SOME OF THE MOVING PARTS OF THE INTERIM. AFTER LISTENING TO -- I HAVE A COUPLE OF CONCERNS. AFTER LISTENING TO MUCH OF THE TESTIMONY -- AND I THINK WE ALL RECOGNIZE THAT THERE ARE A NUMBER OF ISSUES WITHIN THE BROAD DEBATE WE'VE HAD TONIGHT. EVERYTHING FROM JUST SAW OF RAW ARCHITECT OCCUR AND AESTHETICS, ALL THE WAY TO AND THROUGH DRAINAGE WITH AND WITHOUT FAR AND WITH AND WITHOUT IMPERVIOUS COVER, BUT PERHAPS MORE -- REALLY MORE TROUBLING FOR SO MANY NEIGHBORS IS ESSENTIALLY THE OCCUPANCY LOAD AND THAT IS THE WHOLE CONCEPT OF THESE -- WHETHER YOU CALL THEM DUPLEXES, THEY'RE REALLY NOT, AS WE HEARD IN THE TRADITIONAL SENSE, THESE MULTI-FAMILY STRUCTURES BUILT IN THE GUISE OF SINGLE-FAMILY ZONING. WHEN I THINK ABOUT THE SPECTRUM OF THOSE ISSUES, I THINK IT'S GOING TO TAKE A LOT LONGER THAN 90 DAYS TO DEAL WITH THAT. AND I THINK -- AND AN APPROPRIATE STAKEHOLDER PROCESS THAT REALLY CAPTURES WHAT IT IS I THINK -- I KNOW THAT I'M AFTER AND

I THINK MANY OF US ARE AFTER AND THAT IS JUST A RAW CONCEPT OF COMPATIBILITY. HOWEVER YOU DEFINE THAT. CERTAINLY WE CAN DEFINE THAT ARCHITECTURALLY, CERTAINLY YOU CAN DEFINE COMPATIBILITY FROM A MASSING STANDPOINT. YOU CERTAINLY CAN -- AND WE DO DEFINE COMPATIBILITY FROM A USE STANDPOINT. YOU DON'T WANT TO HAVE A VERY DIFFERENT USE ADJACENT. SORT OF THE MULTI-FAMILY NATURE OF SOME OF THE PRODUCT THAT GETS BMENT, MUCH MORE IN MY OPINION, MUCH MORE CONCERNING THAN THE DESIGN AND EVEN IN THE MASSING, BUT THE MASSING RELATES TO HOW MANY PEOPLE ARE BEING PUT INTO STRUCTURES ON SINGLE-FAMILY LOTS, I THINK THAT'S A COMPLICATED ISSUE. AND MY HOPE IS THAT A NUMBER OF CITIES HAVE DEALT WITH IT OR THE MAJORITY OF THOSE MOVING PARTS AND THOSE ISSUES. SO MY CONCERN IS THAT THE ORDINANCE THAT I'M AFTER IS A LENGTHY PROCESS. I MEAN, IT'S -- IT'S MONTHS AND MONTHS' WORTH OF DETAILED STAKEHOLDER INPUT, SORT OF FINANCIAL ANALYSIS, AND I THINK IT TAKES US A LONG TIME TO GET THERE FOR THE PRODUCT THAT I WANT WANT THAT TRULY DEALS WITH COMPATIBILITY. AND SO THE PAUSE THAT THAT GIVES ME IS THAT IF WE'RE GOING TO -- AND I AM ALL FOR ENACTING AN INTERIM ORDINANCE THAT TAKES US FROM NOW, HOWEVER WE DEFINE NOW, WHETHER IT'S TOMORROW MORNING AT 8:00 OR IT'S NEXT WEEK, BUT AN INTERIM ORDINANCE THAT GETS US FROM NOW UNTIL WE ARE THROUGH THAT LIKELY VERY LENGTHY COMPLEX, BUT HOPEFULLY VERY FRUITFUL COMPATIBILITY ORDINANCE STAKEHOLDER PROCESS. JUST MONTHS AND MONTHS OF WORK, STAFF TIME AND MUCH MORE TIME FROM COMMUNITY STAKEHOLDERS. THAT MAKES ME WANT TO REALLY GET THE INTERIM ORDINANCE WHERE WE NEED IT TO BE. AND I THINK THAT THE -- BECAUSE THE INTERIM ORDINANCE IN MY OPINION ACTUALLY IS GOING TO BE MUCH LENGTHIER THAN -- IF THE LONG-TERM GOAL IS A TRUE SENSE OF COMPATIBILITY, THE TRUE EFFICACY OF COMPATIBILITY, THEN WE'RE GOING TO BE UNDER INTERIM RULES FOR MUCH LONGER THAN I THINK WE'RE SUSPECTING NOW. AND I DON'T KNOW IF THERE'S CODE REQUIREMENTS OR STATE LAW OR OTHER PARAMETERS REGARDING THE CONCEPT OF INTERIM REGS, THAT IS, THEY CAN'T BE LONGER THAN SO MANY DAYS. I DON'T KNOW, WE

NEED TO FIND OUT.

MAYOR, IT EXPIRES AFTER 120 DAYS, WHICH WOULD BE JUNE 6, 2006.

Mayor Wynn: BECAUSE WE'RE DEFINING IT AS INTERIM?

UNDER THE STATUTE, IT WOULD BE INTERIM UNTIL -- IT'S A PERMANENT MORATORIUM, BUT THE MORATORIUM CAN ONLY GO ON UNTIL -- FOR 120 DAYS, THEN IT CAN BE EXTENDED UNDER CERTAIN CIRCUMSTANCES.

Mayor Wynn: SO I GUESS WHAT I'M SUGGESTING IS I THINK THAT IT SEEMS TO ME THE ROUTE THAT I'M MORE COMFORTABLE WITH AFTER LISTENING TO THE COMPLEXITY OF THE DEBATE, AND I RECOGNIZED GOING INTO THE WEEK THAT IT WAS GOING TO BE COMPLEX, IS WHETHER WE CALL IT INTERIM OR HOWEVER WE CALL IT, THIS NEW SET OF RULES THAT WE'RE GOING TO HAVE I HOPE VERY, VERY SOON, I THINK WE'RE GOING TO BE UNDER THOSE RULES FOR A LONG TIME. A LONG TIME, YOU KNOW, UPWARDS OF A YEAR PERHAPS. I JUST DON'T KNOW. SO IF THAT'S THE CASE, THEN I WANT TO REALLY HAVE THIS INTERIM PERIOD, THESE NEW RULES TO BE AFFECT ACTIVE -- EFFECTIVE, TO BE FAIR, TO BE UNDERSTOOD BETTER. AND WHETHER THAT CAN BE DONE IN A WEEK, I DON'T KNOW, BUT WE WILL KNOW A LOT MORE A WEEK FROM TODAY THAN WE KNOW TONIGHT ABOUT IMPACTS AND THE LIKELY LONGER TERM ROUTE WE MAY DECIDE TO TAKE. AND THEN IN LISTENING EARLIER TO THE FACT THAT THERE WAS IN FACT A RUSH TO GET PERMITS IN TODAY AND YESTERDAY, BUT ALSO -- AND THE PAUSE THAT THAT GIVES YOU, BUT ALSO UNDERSTANDING THAT THE REQUIREMENTS THAT WE HAVE FOR THESE APPLICATIONS, I'M SURE A BUNCH OF APPLICATIONS WILL GET SUBMITTED THAT AREN'T COMPLETE, AND WHETHER THEY'LL GET REJECTED, I DON'T KNOW. BUT THE FACT THAT WE HAVE -- IT TAKES A SIGNIFICANT AMOUNT OF TIME, EFFORT, WORK, MONEY TO EVEN GET TO A POINT TO SUBMIT AN APPLICATION, THAT TELLS ME THAT IN FACT ALL OF THESE PROJECTS THAT WERE IN SOME LEVEL OF DESIGN DEVELOPMENT OR ANALYSES ALL GOT RUSHED AND SUBMITTED IN THE LAST DAY OR TWO, I MAY BE WRONG, MY SUSPICION IS THERE'S NOT THEN THIS GIANT SECOND

WAVE. THAT IS, IF SOMEBODY WERE TO NOW RUSH TO GO TRY TO FIND A LOT, THEY WON'T BE ABLE TO MEET OUR REQUIREMENTS FOR AN APPLICATION BY NEXT WEEK OR WHATEVER IS A REASONABLE TIME FOR US TO I HOPE ADDRESS SOME OF THE HEART BURN, MUCH OF IT I HOPE MISINFORMED BECAUSE PEOPLE WILL FIND OUT THAT THERE IS FLEXIBILITY IN THESE RULES THAT WE'VE CREATED. I'M NOT COMFORTABLE WITH THE IDEA OF WHAT IN EFFECT IS THE MORATORIUM BEGINNING TOMORROW BECAUSE OF THE SIGNAL THAT SENDS AND THE CONFUSION THAT THAT'S CAUSED AND WITH A WEEK'S TIME, WITH THE PLANNING COMMISSION PUBLIC HEARING TUESDAY, WITH THE ABILITY FOR A NUMBER OF ARCHITECTS FOR A QUICK AD HOC AIA COMMITTEE WITH TWO DAYS' WORK TO FIND OUT THAT IN FACT 85% OF THEIR PROJECTS THAT THEY MAY EVEN BE PROPOSING FOR IN FACT WILL BE MET UNDER THIS PERIOD OF TIME WHERE WE'RE GOING TO HAVE SOME DIFFERENT RULES, THEN I THINK IT BUYS A BETTER PRODUCT AND IT BUYS A BETTER SORT OF SENSE OF FAIR PLAY IN AN IMPORTANT STAKEHOLDER PROCESS THAT I THINK IS GOING TO TAKE US A LONG TIME TO COME UP WITH THE TRUE ISSUE OF COMPATIBILITY. SO I KNOW THAT'S A LOT OF -- THAT'S SAYING A LOT. [APPLAUSE] SO MY CONFLICT HERE IS I BELIEVE WE DEFINITELY NEED A NEW SET OF RULES VERY, VERY SOON. MY THOUGHT IS TO BE EFFECTIVE WE'LL BE UNDER THOSE NEW RULES FOR A LONG PERIOD OF TIME IN ORDER FOR US TO BE REALLY EFFECTIVE AT WHAT IT IS I THINK WE'RE TRYING TO GET TO. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

LOOK AT THE ISSUES THAT PRIMARILY DEAL WITH THE LARGE HOUSES THAT ARE USED AS -- AS STUDENT DORMS AND ON THOSE THINGS YOU ARE REALLY LOOKING AT EITHER -- EITHER OCCUPANCY LIMITS RELATED TO UNRELATED ADULTS LIVING IN THE HOUSE AND PARKING ISSUES. SO I THINK IF YOU REALLY TACKLED IT FROM THAT PERSPECTIVE,, I REALLY THINK YOU COULD COME BACK WITHIN A REASONABLE AMOUNT OF TIME IN THE ORDINANCES WITH THE DEVELOPMENT ITSELF, THEN THESE RELATED CHANGES THAT WOULD MAKE THE QUALITY OF THE NEIGHBORHOOD BETTER BY WHAT GETS PUT IN THOSE HOUSES, THAT'S SORT OF HOW I WOULD APPROACH IT.

HOPEFULLY WE COULD GET IT BACK BY THE -- BY THE MAIN DEADLINE.

Leffingwell: MAYOR? I -- I WOULD LIKE TO HEAR FROM LEGAL ON THIS. BUT I BELIEVE A POSTPONEMENT TO NEXT WEEK WOULD FOUL UP THE WHOLE PROCESS BECAUSE THE VARIOUS TIME DEADLINES THAT HAVE TO DO WITH NEWSPAPER POSTING, ET CETERA, WOULD NOT BE MET. IF IT'S NOT PASSED ON FIRST READING TONIGHT, I THINK THAT WE START OVER FROM SQUARE 1. AND ALSO ANOTHER COMMENT IS THAT -- IS THAT IF IT WERE PASSED TONIGHT ON -- ON FIRST READING, CHANGES COULD BE MADE TO THE INTERIM ORDINANCE ON SECOND AND THIRD READING SHOULD WE FIND THEM NECESSARY BASED ON INPUT FROM THE PLANNING COMMISSION. [APPLAUSE] FRANKLY THAT WAS MY PRIMARY CONCERN ABOUT POSTPONEMENT WAS LOSING NOTICE WORK THAT WE HAVE DONE. YES, I WILL RECOGNIZE BETWEEN FIRST AND SECOND AND THIRD READING CHANGES I SUSPECT SOME CHANGES WOULD BE MADE. I AM CONCERNED WITH THE -- WITH THE -- UNDERSTAND THE -- THE RATIONALE AND THE TECHNICAL APPROACH THAT WE HAD TO TAKE, BUT THE -- BECAUSE OF THE LACK OF DETAILED INFORMATION UNTIL LATE IN THE GAME, EVEN TONIGHT, SORT OF THIS EQUITABLE POOR START TO THIS PROCESS KNOWING HOW LONG WE ARE GOING TO BE IN THE STAKEHOLDER PROCESS, THAT I WOULD -- THAT I WOULD -- I WOULD JUST HAVE CONCERNS ABOUT THE -- ABOUT, YOU KNOW, THE -- THE IMPACT. COUNCILMEMBER KIM AND THEN MCCrackEN.

Kim: MAYBE IT'S A QUESTION FOR THE LAW DEPARTMENT, BUT -- BUT I THINK WE JUST GOT -- WE JUST HEARD THAT WE COULD MAKE CHANGES BETWEEN FIRST AND SECOND AND THIRD READING IF WE SAW THAT THERE WERE SOME UNINTENDED CONSEQUENCES WE DID NOT FORESEE. WE COULD ADDRESS THAT IN BEAMING IT. I GUESS AMENDING ORDINANCE; IS THAT CORRECT?

THAT'S TRUE.

WHAT ABOUT AFTER IT PASSES ON SECOND AND THIRD READING, CAN WE THEN CONTINUE TO GET FEED BACK AND IF WE WANT TO AMEND IT WITHOUT HAVING TO DO A PUBLIC

HEARING KNOWING THAT IT'S GOING TO BE LESS RESTRICTIVE, WON'T BE EXTENDING OR EXPANDING THE MORATORIUM, ACTUALLY MAKE IT LESS RESTRICTIVE IF WE FIND THERE ARE UNINTENDED CONSEQUENCES THAT WE NEED TO ADDRESS WHILE THE TASK FORCE IS WORKING.

COUNCILMEMBER I WOULDN'T THINK THAT WOULD BE THE WAY THAT YOU WOULD GO ABOUT IT. I THINK AT THAT POINT YOU WOULD BE LOOKING INTO PERMANENT REGULATIONS AND A CODE AMENDMENT. THAT WOULD BE -- THAT WOULD BE -- I THINK THAT'S -- THAT'S WHERE YOU ARE HEADED.

WELL, IF WE WANT -- IF WE ARE GIVING THE TASK FORCE THEIR TIME TO COMPLETE THEIR WORK, BUT THEY SAY THIS IS SOMETHING THAT WE HAVE NOTICED THAT NEEDS TO BE OR THE COUNCIL SEES AS SOMETHING THAT NEEDS TO BE DEALT WITH IMMEDIATELY, WE ARE GETTING A SUDDEN I GUESS A BIG BATCH OR A LARGE POOL OF APPLICATIONS THAT ARE -- THAT ARE NOT MEETING THE INTERIM REGULATIONS OR THE RULES, BUT WE DO SEE THAT THERE IS CERTAIN SIXES THEY NEED TO BE EXEMPTED, CAN WE STILL TAKE ACTION ON THAT BEFORE THE TASK FORCE IS COMPLETED, BEFORE I GUESS MAY?

WELL, I WOULD THINK THAT WHAT YOU WOULD NEED TO DO IS -- IS RENOTICE AND CHANGE THE ORDINANCE IN -- I MEAN, YOU CAN'T -- I DON'T BELIEVE THAT YOU CAN CHANGE THE ORDINANCE WITHOUT HAVING A PUBLIC HEARING. GOING THROUGH THROUGH THE STATUTE REQUIREMENTS AGAIN.

EVEN -- WELL, WHY IS IT DIFFERENT FROM WHAT WE ARE DOING IF WE ARE CHANGING BETWEEN FIRST AND SECOND READING IF WE ARE CHANGING WHAT THE ORDINANCE SAYS?

BECAUSE YOU ARE STILL IN THE PROCESS.

SO THEN WE WOULD HAVE TO START A NEW PROCESS TO MAKE MINOR CHANGES TO THAT?

YES.

COUNCILMEMBER MCCRACKEN?

McCracken: ACTUALLY I THINK THAT THERE IS A -- ANOTHER APPROACH, WHICH WE ASKED FOR CLARITY ON EARLIER TODAY. THAT IS WE CAN ALSO INITIATE THIS THROUGH THE ZONING PROCESS SIMULTANEOUSLY. THEN WE CAN MAKE CHANGES TO THAT IF NECESSARY. I THINK COUNCILMEMBER YOU HAD IMPORTANT OBSERVATIONS ABOUT ABOUT HAVING FLEXIBILITY PARTICULARLY ON THE -- INFORMATION THAT DEVELOPS FROM THE TASK FORCE. WE WILL HAVE AN OPPORTUNITY TO GO THAT WAY. SIMULTANEOUSLY. I CAN COMMENT.

AGAIN THAT WAS A QUESTION FOR STAFF. THAT WAS A QUESTION FOR STAFF. I JUST HAD A QUESTION ABOUT -- ABOUT SORT OF THE -- OF THE BUILDING PERMIT APPLICATION PROCESS AND -- AND WHAT'S INVOLVED OR YOU KNOW WHAT HAS TO BE SUBMITTED. BECAUSE OBVIOUSLY ONCE YOU SUBMIT YOUR APPLICATION THAT YOU ARE GRANDFATHERED FROM -- WHATEVER NEW REGULATIONS ARE PUT INTO PLACE. WHEN A BUILDING PERMIT APPLICATION IS SUBMITTED, IS THERE A -- A COMPLETENESS CHECK OR -- THEN -- THEN IF THERE IS, YOU KNOW -- THEN ALSO I GUESS YOU KNOW MAYBE EXPLAIN WHAT HAS TO BE SUBMITTED IN ORDER TO GET THE PROCESS STARTED.

LUCY GALLON GALLON MAN WITH WATERSHED PROTECTION AND REVIEW. THE APPLICATION DOES HAVE TO BE FILLED OUT THAT DETAILS THE USE OF -- AND ALSO ASKS FOR -- FOR LOT SIZE, CALCULATIONS OF IMPERVIOUS COVER, CALCULATIONS WITH BUILDING COVERAGE, ATTACHED TO THAT YOU HAVE TO PROVIDE A SCALE DRAWING OF YOUR LOT, THE DIMENSIONS, THE FOOTPRINT OF ALL OF THE BUILDINGS, ALL OF THE FLAT WORK, ELEVATIONS, SHOWING THE HEIGHT OF THE BUILDING. WE ALSO REQUIRE FLOOR PLANS, THE DETAIL, ALL OF THE ROOMS IN THE BUILDING. BEDROOM, KITCHEN ALL OF THAT. IF IT DOESN'T PROVIDE THE INFORMATION THAT WE NEED TO DO OUR REVIEW TO ENSURE THAT IT COMPLIES WITH ZONING, SUBDIVISION REQUIREMENT, SOMETIMES SITE PLAN REQUIREMENTS, IT IS REJECTED. NOW YOU ARE STILL IN THE PROCESS. YOU ARE REJECTED AND YOU HAVE AN OPPORTUNITY TO -- TO MAKE

CORRECTIONS.

Alvarez: TO COMPLY WITH THOSE REGS VERSUS THE REGS THAT MAY BE IN PLACE.

CORRECT.

Alvarez: SO ONCE -- SUBMITTING THE APPLICATION WHETHER IT'S COMPLETE OR NOT DOES FREEZE THE REGULATIONS FOR YOU.

RIGHT.

FOR CERTAIN --

RIGHT.

OKAY. I'M -- GET THAT EXPLAINEDMENT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I REALLY APPRECIATE ALL OF THE FOLKS WHO HAVE COME TONIGHT. I CAN TELL IT'S SOMETHING THAT YOU ALL INTOOTH ACTIVELY UNDERSTAND BUT AS -- INTOOTHIVELY UNDERSTAND. AS COUNCILMEMBERS WE HAVE A BROAD RANGE OF THINGS THAT WE HAVE TO DEAL WITH. AS PART OF OUR JOB WE HAVE A RESPONSIBILITY TO BE FAIR AND CONSIDER THE BIGGER PICTURE. A LOT OF PEOPLE ARE INDIVIDUALLY AFFECTED IN DIFFERENT WAYS BY THE ISSUES THAT WE HAVE BEFORE US THIS EVENING. IT'S OUR JOB TO KIND OF STEP BACK AND LOOK AT THIS BIGGER PICTURE. AS PARTS OF THAT WE HAVE A RESPONSIBILITY NOT TO BE PASSIVE. WHEN WE SEE A PROBLEM. AND WHEN WE BECOME A AWARE OF THIS PROBLEM, WE REALLY DO A RESPONSIBILITY TO THE COMMUNITY TO STEP FORWARD AND TO TAKE APPROPRIATE ACTION. I THINK WE ALL IN THIS ROOM NOT JUST US, BUT EVERYBODY IN THIS ROOM SHARES A MUTUAL DUTY AND -- TO BE PART OF OUR CULTURAL RESPONSIBILITY AT ONE OF OUR SPEAKERS SPOKE TO THAT. THAT DIDN'T REALLY RESONATE WITH ME. WE HAVE A RESPONSIBILITIES TO SOMETHING BIGGER THAN OURSELVES. IT'S NOT JUST WHAT'S IN IT FOR OURSELVES, BUT WE HAVE A

RESPONSIBILITY FOR SOMETHING BIGGER THAN OURSELVES. AND WE HAVE A RESPONSIBILITY TO OUR COMMUNITY. WE HAVE A RESPONSIBILITY TO BE GOOD NEIGHBORS. I GOT A CALL FROM A -- FROM A COUPLE A MONTHS AGO, WHEN I FIRST BECAME AWARE OF THE EXTENT OF WHAT WAS GOING ON IN THE COMMUNITY, IT WAS FROM A WOMAN I GO TO CHURCH WITH. AND SHE LATER E-MAILED ME AND THIS IS WHAT SHE SAID THIS WEEK. I QUOTE I WAS WONDERING IF YOU HAVE BEEN ABLE TO CHECK OUT THE MASSIVE CONSTRUCTION IN OUR NEIGHBORHOOD AT 3212 CHURCHILL OR 3206 CHURCHILL OR 3208 CHURCHILL SHE WROTE THE NAME OF THE DEVELOPER, NOT SOMEONE WHO SPOKE TONIGHT. THE DEVELOPER TAKEN OVER ALL THREE PROPERTIES AND IS BUILDING OUT OF CONTROL. ON THE CORNER OF CHURCHILL AND 33rd THE REST OF THE LOT, WHERE THE HOUSE IS BUILT IT'S COVERED WITH GRAVEL ON WHICH THERE ARE USUALLY FOUR OR FIVE CARS PACKED AND THIS IS ACROSS THE STREET FROM BRYKERWOODS ELEMENTARY. SHE CONCLUDES, HER E-MAIL, PLEASE LOOK INTO IT. IF AT ALL POSSIBLE. IT IS SAD WHAT HE HAS DONE TO A WONDERFUL OLD NEIGHBORHOOD. IF YOU FOLKS ARE FAMILIAR WITH BRYKERWOODS, 15,000, SQUARE FOOTAGE RANGE, TYPICALLY SOME BIGGER, ONE OF THE HOMES UNDER CONSTRUCTION BY THIS PARTICULAR DEVELOPER ON CHURCHILL IS NOW 4,360 SQUARE FEET ON A 5,610 SQUARE FOOT LOT AND THEN FROM WHAT WE GATHER HE'S ALSO ACTUALLY COVERED THE REST OF IT WITH IMPERVIOUS COVER TO PARK GROUPS FOR THE GROUP HOUSING HE CREATED ON A LITTLE RESIDENTIAL STREET ACROSS FROM BRYKERWOODS ELEMENTARY. THERE'S A .7 FAR ON THIS LOT THAT WE ARE TALKING ABOUT. IT'S PART OF OUR DUTY TO CONSIDER THE BIGGER PICTURE AND RESPONSIBILITY. YOU BECOME AWARE AS A COUNCILMEMBER WHEN SOMEONE'S HOME FLOODS AND STARTS FLOODING AFTER NEW DEVELOPMENT HAPPENS YOU HEAR ABOUT IT. WE HEAR ABOUT IT. I GOT A CALL SEVERAL MONTHS AGO IF A GOOD FRIENDS OF MINE WONDERING WHY SUDDENLY WHEN IT RAINED HIS HOUSE AND GARAGE STARTED FLOODING. A GUY I WORK WITH IN MY LAW IF I WERE, THE PERSON ON THE OTHER SIDE OF THE FENCE FROM HIM, DID A NEW DEVELOPMENT, CHANGED THE

DIMENSIONS OF THE HOUSE, PUT IN A DRIVEWAY, SUDDENLY HIS HOUSE STARTED UNDERSTANDING WHEN IT RAINED. CHANGED THE WATER FLOW HE WAS REALLY UNHAPPY ABOUT IT FOR REASONS THAT I THINK WE CAN ALL RELATE AND UNDERSTAND. I THINK I AND SEVERAL OF MY COLLEAGUES HAVE HAD OUR VERACITY QUESTIONED BY PEOPLE ABOUT IF WE WERE TELLING THE TRUTH WHEN WE SAID THAT DRAINAGE WAS A CONCERN. I'M TELLING THE TRUTH AND I -- I'M A LITTLE DISAPPOINTED ABOUT THOSE ACCUSATIONS. I RECEIVED AN E-MAIL FROM ANOTHER FRIENDS OF MINE, MY REAL ESTATE COMPANY REPRESENTS A BUILDER WHO BUYS VACANT LOTS OR TEAR DOWNS IN CENTRAL AUSTIN. RECENTLY THEY HAVE BEEN DOING DUPLEX PROJECTS. THE TOTAL SQUARE FOOTAGE IS TYPICALLY 4,000 TO 4400 SQUARE FEET. ALSO FINANCING FOR A BUILDER WHO IS CONTRACTED FOR THREE ADJACENT LOTS IN SOUTH AUSTIN. THEY ARE ZONED SF 3 AND MADE GREAT ECONOMIC SENSE TO TEAR DOWN THE FIVE UNITS THAT ARE NOW ON THOSE LOTS AND PLACE A DUPLEX ON EACH LOT. WE HAVE DEALT IN THIS CONTEXT IN HISTORIC ZONING QUITE A BIT OVER THE LAST TWO AND A HALF YEARS OF SOME FOLKS THAT ARE IN THE -- IN THE HANCOCK NEIGHBORHOOD EXPERIENCED THE SITUATION WHERE FOUR LITTLE HOMES WERE -- HISTORIC ZONING CASE ABOUT FOUR LITTLE HOMES, TWO OF THEM TORN DOWN AND THREE MASSIVE CLAB BOARD GROUP HOUSING PROJECTS WERE PLACED. AFTER THEY WERE BUILT THE ENTIRE REST THE LOT WAS COVERED WITH A PARKING LOT FOR ALL OF THE TRUCKS FOR THE 18 STUDENTS THAT SUDDENLY LIVED BACK THERE. BASKETBALL GAMES AND SUDDENLY WHAT WAS A LITTLE AREA OF FOUR COTTAGES IS NOW THREE ENORMOUS GROUP HOUSE STRUCTURES, 100% IMPERVIOUS COVER FOR THE PARKING, BASKETBALL GAMES GOING ON ALL TIMES AT NIGHT. THAT'S WHAT GOES ON THE OTHER SIDE OF THEIR FENCE IN THEIR QUIET LITTLE RESIDENTIAL NEIGHBORHOOD NOW WHEN THEY USED TO HAVE GOOD NEIGHBORS ON THE OTHER SIDE OF THEIR FENCE. AS YOU HAVE HEARD WE HAVE RECEIVED A FOOT OF PERMIT APPLICATIONS THIS WEEK. THE PRESENT PROCESS, WE ARE IN THE FRONT EDGE WE HAVE DISCOVERED OF A PROCESS THAT IS BEGINNING -- OF THIS E-MAIL QUOTE, THE PRESENT PROCESS IS BEGINNING TO TRANSFORM AUSTIN

NEIGHBORHOODS LIKE MINE INTO WALLED COMPOUNDS WITHOUT CHARACTER OR COMMUNITY. I'M HARD PRESSED TO FIGURE OUT HOW THAT'S GOOD FOR TAX BASE PROPERTY VALUES. ONE THING ELSE, SURE AIN'T GOOD FOR OUR COMMUNITY. I DON'T COME HERE TO LIVE IN SUGARLAND OR PLANO. WE HAVE A RESPONSIBILITY TO DO THESE THINGS ON THE COUNCIL. ALSO HAVE THE COUNT TO MAKE SURE THAT YOU DON'T GET ONE HUNDRED% IMPERVIOUS COVER COMPOUNDS SHOVED INTO PEOPLE'S BACK YARDS WITH THEIR HOUSES FLOODING AS A RESULT. I WANT TO ADDRESS THE ISSUE OF DENSITY. COULD YOU PUT ON THE PHOTOS AGAIN.

I WANT TO ADDRESS SOME OF THE -- ON THE POWERPOINT, FAST FORWARD THERE. THERE YOU GO. THIS IS AN EXAMPLE OF A HOUSE WE SAW THAT IS WILDLY OUT OF SCALE OF ITS NEIGHBORS, ONE PERSON LIVES IN THAT HOUSE. I WANT TO CORRECT A HUGE HOUSE WITH ONE PERSON LIVING IN IT IS NOT DENSITY. WE MEASURE DENSITY BY THE NUMBER OF PEOPLE PER ACRE. AND WHEN WE DID THE GABLES PROJECT, WE TOOK SOME HEAT FROM FOLKS LAST WEEK ON THE GABLES PROJECT WHICH WE APPROVED. WE HAVE ALSO, THOUGH, WE HAVE DONE OTHER PROJECTS FOR SOME PROJECTS, WE HAVE FOLKS HERE FROM THE UNIVERSITY OF TEXAS AREA NEIGHBORHOODS IN CENTRAL AUSTIN, WHO CAME TOGETHER AND SUPPORTED 175-FOOT TOWERS IN THEIR NEIGHBORHOOD AND SUPPORTED BRINGING IN MAYBE 10,000 PEOPLE INTO THEIR NEIGHBORHOOD, THAT'S NOT A NEIGHBORHOOD AGAINST DENSITY. BUT THE DEAL IS THAT YOU PUT THE DENSITY WHERE IT BELONGS, FROM THE URBAN PLANNING STANDPOINT IS NOT IN THE MIDDLE OF A NEIGHBORHOOD WITH SINGLE FAMILY ZONING, YOU PUT IT IN CORRIDORS. WE HAVE SINGLE FAMILY ZONING BECAUSE THAT'S WHERE SINGLE FAMILIES LIVE, IT'S NOT WHERE 18 STUDENTS IN GROUP HOUSING WITH -- WITH SIX TRUCKS AND A BASKETBALL COURT IN THEIR SIDE OF YOUR FENCE, THAT'S NOT WHAT DENSITY IS, NOT THE RIGHT PLACE FOR IT. WE HAVE WORKED VERY HARD AS A COUNCIL, MANY PEOPLE IN THIS COMMUNITY WORKED VERY HARD AND -- AND DONE SOME IMPRESSIVE WORK TO BRING A LOT OF DENSITY INTO THIS CITY ON THE CORRIDORS, INTO

DOWNTOWN IN THOSE AREAS. THE TRADEOFF HAS BEEN THAT A DEAL IS A DEAL AND WE RESPECT INDIVIDUAL NEIGHBORHOODS AND THERE'S A GREAT EXAMPLE, WASHINGTON D.C., ONE OF THE BEST FUNCTIONING CITIES IN THE URBAN PLANNING STANDPOINT IN THE COUNTRY. PROBABLY THE SECOND DENSEST CITY IN THE NATION AFTER NEW YORK CITY, MASSIVE DENSITY ON THE CORRIDORS, VERTICAL MIXED USE, ON THE OTHER SIDE SINGLE FAMILY HOMES THAT SINGLE FAMILY NEIGHBORHOODS GONE UNCHANGED FOR 150 YEARS. THAT'S THE TRADEOFF, THAT'S THE RESPECT. YOU PUT THE DEPOSITION COMMUNITY WHERE IT BELONGS. YOU DON'T CAT CENTER IT OUT IN THE MIDDLE OF PEOPLE'S NEIGHBORHOODS. IT'S NOT BIG HOUSES. A THREE STORY GROUP HOUSE IN THE MIDDLE OF A NEIGHBORHOOD HAS NEVER BEEN IN ENVISION CENTRAL TEXAS, IT HAS NEVER BEEN PART OF THE DEAL DOING IN THIS COMMUNITY. SO WE CAN'T -- HERE'S THE BIG PROBLEM. WE HAVE SOME REALLY GOOD DEVELOPERS IN THIS ROOM TONIGHT AS ONE OF OUR SPEAKERS SAID. PEOPLE TRYING TO DO THE GOOD THING, THE RIGHT THING. WE HAVEN'T HEARD FROM THE PEOPLE DOING THE THREE HOMES ON CHURCHILL THAT HAVE .8 FAR AND BASICALLY 100% IMPERVIOUS COVER ONCE YOU ADD THE PARKING. WE HAVEN'T HEARD FROM THOSE PEOPLE BUT IF WE ARE NOT DOING SOMETHING TO PROTECT AGAINST THAT, THEN WE ARE NOT DOING OUR JOB. WE ARE NOT LOOKING AT THE BIGGER PICTURE, NOT PROTECTING PEOPLE'S HOMES FROM GETTING FLOODING, LOSING SUNLIGHT, HAVING A MASSIVE THREE STORY STRUCTURE LOOKING AT THEM, HAVING BASKETBALL GAMES WITH 18 STUDENTS ON THE OTHER SIDE OF THEIR FENCE WHEN FORMERLY THEY COULD GO TO SLEEP AT NIGHT HAVE A GOOD NEIGHBOR ON THEIR SIDE. WE KNOW THAT WE HAVE GOOD TALENTED PEOPLE DOING INFILL. ALSO WEALTHY SELF INTEREST AND SPECULATORS WHO HAVE NOT SHOWN UP TONIGHT BUT WHO ARE OUT THERE AND EVERYBODY IN THIS ROOM AGREES THEY ARE OUT THERE. EVERYBODY IN THIS ROOM AGREES THESE SELF INTERESTED SPECULATORS ARE TEARING DOWN HOMES THREE TO FIVE AT A TIME, MASSIVE GROUP HOUSES GENERIC McMANSIONS THAT FLOOD THEIR NEIGHBOR'S HOMES, HARM PROPERTY VALUES, BLACKOUT THE SUNLIGHT, STEAL THEIR PRIVACY,

HARM THEIR QUALITY OF LIFE. WE ALL AGREE THIS IS HAPPENING. SO THESE WEALTHY SPECULATORS ARE CHANGING THE RULES MID STREAM OF WHAT'S HAPPENING TO FOLKS NEIGHBORHOODS, THEIR MOST VALUABLE INVESTMENT. INSTEAD OF PEOPLE TURNING THEIR ANGER ON THE NEIGHBORS WHO HAVE BEEN ARMED AND VICTIMIZED BY THE IRRESPONSIBLE BEHAVIORS, I THINK WE ALL SHOULD PULL TOGETHER AND TURN OUR FOCUS ON THESE SPECULATORS WHO ARE HARMING THE EFFORTS OF PEOPLE DOING GOOD INFILL AND ALSO HARMING NEIGHBORS. WE ALL HAVE A LOT OF COMMON INTEREST IN THIS ROOM. THAT'S ULTIMATELY WHAT WE NEED TO DO. [APPLAUSE]

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO I -- AGAIN I WANT TO UNDERSTAND SORT OF LEGISLATIVELY, TECHNICALLY WHAT IT IS WE'LL BE DOING. I UNDERSTAND AS OF TOMORROW MORNING WE WILL HAVE INTERIM OR DIFFERENT RULES. I THINK AS MORE PEOPLE UNDERSTAND WHAT THE RULES ARE THERE WILL BE A LOT MORE COMFORT WITH THEM. BUT REGARDING THEN THE WORK ON THE LONGER TERM SOLUTION, THE -- THE PERMIT I GUESS IF YOU WILL, AMENDMENTS TO THE ORDINANCE, LAND DEVELOPMENT CODE, YOU KNOW ONE OF THE FRUSTRATIONS THAT I HAVE ABOUT THIS IS THAT -- IS THAT JUST A BLATANT FACT THAT SAY DUPLEXES FOR INSTANCE AREN'T EVEN AFFECTED BY THIS. AND SO IS PART OF THE LONGER TERM WORK, THAT IS THE 60, 90 DAYS WHEN WE COME UP WITH SOME PERMANENT RULES, DO WE HAVE THE FLEXIBILITY BECAUSE OF THE WAY WE HAVE BEGUN THIS? THAT WE CAN INCLUDE MORE ISSUES LIKE THAT? WE CAN -- ESSENTIALLY EXPAND THE -- YOU KNOW THE SCOPE OF THE WORK TO -- TO EVERYTHING FROM THE TECHNICALITY OF INCLUDING DUPLEXES FRANKLY OR INCLUDING USES OTHER THAN SINGLE FAMILY STRUCTURES, TO -- YOU KNOW, TO BROADER CONCEPTS OF COMPATIBILITY. CAN WE BRING UP IMPERVIOUS COVER, WHICH IS PART OF THE, YOU KNOW, THE -- THE DRAINAGE DEBATE?

WELL, MAYOR, CERTAINLY BETWEEN NOW AND SECOND AND THIRD READING THE COUNCIL COULD -- COULD INSTRUCT STAFF TO ADD OTHER THINGS TO THE ORDINANCE AFTER IT'S PASSED AS COUNCILMEMBER MCCracken SAID, YOU

COULD ALSO SIMULTANEOUSLY BE WORKING ON A CODE AMENDMENT FOR PERMANENT REGULATIONS WHICH WOULD INCLUDE OTHER THINGS THAT YOU WANT TO HAVE INCLUDED.

Mayor Wynn: I HAVE A QUESTION FOR COUNCILMEMBERS -- FOR COUNCILMEMBERS AND/OR THE LAND USE COMMITTEE. WHAT IS ON STATUS ON -- CONCEPTUAL ANALYSIS ON FORM BASED CODE, FORM BASED ZONING, WHERE DO WE STAND WITH THAT, WHAT'S THE SORT OF LIKELIHOOD, THE TIMING OF US MOVING FORWARD WITH THAT PRODUCT?

MAYOR, I THINK WHAT YOU ARE SEEING COME FORWARD RIGHT NOW IS A VARIETY OF -- OF CODE CHANGES THAT -- THAT EFFECTIVELY REPLACING THE ZONING CODE REWRITES. SOME OF THIS THE VERTICAL MIXED USE PROVISIONS, WHICH IS GOING TO BRING A LOT OF DENSITY TO OUR CORRIDORS AND HAVE SUPPORT FROM THE DEVELOPMENT COMMUNITY AND FROM THE NEIGHBORHOODS IS -- IS A FORM BASED APPROACH. THAT'S COMING FORWARD HERE IN THE NEXT COUPLE OF MONTHS. THAT -- THAT THE MULTI-FAMILY COMMUNITY IS IN SUPPORT OF -- OF INCLUDING THOSE STANDARDS TO APPLY TO MULTI-FAMILY IN THE CORRIDORS AS WELL. SO YOU MAY SEE MORE FORM BASED APPROACH. WE WILL HAVE ALL OF THAT IMPLEMENTED THROUGH DESIGN STANDARDS LATER THIS SPRING. WE HAVEN'T DEALT WITH THAT IN A SINGLE FAMILY CONTEXT, THOUGH.

Mayor Wynn: OKAY. AGAIN SO IF -- IF THE -- TWO QUESTIONS. SO ON -- SO WE PASS SOMETHING ON FIRST READING TONIGHT. AND AS EARLY AS NEXT THURSDAY, PERHAPS BE READY FOR SECOND AND THIRD READING. WE WILL HAVE THE FLEXIBILITY BETWEEN NOW AND THIRD READING OF WHAT WE ARE STARTING TONIGHT TO PERHAPS EVEN INSERT NEW IDEAS? I MEAN, CAN WE -- I MEAN, THE FACT THAT WE ARE NOT TALKING ABOUT IMPERVIOUS COVER --

THAT'S TRUE.

YOU KNOW, INSERT THE DEBATE OF IMPERVIOUS COVER VERSUS OR IN ADDITION TO OR COMPLIMENTARY OF FAR, WE ARE NOT LIMITED BY THE FACT THAT WE HAVEN'T BEGUN

THAT WITH FIRST READING CORRECT.

NO. YOU ARE NOT. BUT THE OTHER THING, THOUGH, IS THAT UNDER THE STATUTE YOU HAVE TO -- YOU HAVE TO PUT INTO EFFECT THE PERMANENT MORATORIUM WITHIN 12 DAYS AFTER THE FIRST HEARING AND SINCE THERE'S NO COUNCIL MEETING, THE WEEK AFTER THE 16th, REALLY -- REALLY TO COME UNDER THE STATUTE YOU ARE GOING TO HAVE TO DO SECOND AND THIRD READING NEXT THURSDAY.

Mayor Wynn: THAT'S FINE. AND THEN HOW ABOUT -- HOW ABOUT RIGHT NOW WE HAVE -- YOU KNOW, I GUESS PERHAPS BECAUSE OF THE POSTING OR NOTICE PROCESS THAT WE HAVE BEGUN, THAT WE ARE ONLY -- WE HEARD SEVERAL COMMENTS EARLIER, WE ARE ONLY TALKING ABOUT SINGLE FAMILY RESIDENTIAL. THEREFORE DUPLEXES AREN'T EVEN PART OF THIS DISCUSSION.

THAT'S CORRECT. IT'S SINGLE FAMILY USE.

WHEN COULD THAT BE INSERTED INTO THE PROCESS.

BETWEEN NOW AND NEXT THURSDAY.

Mayor Wynn: WE COULD ESSENTIALLY EXPAND THE SCOPE.

ABSOLUTELY.

Mayor Wynn: OKAY. ALL RIGHT. COUNCILMEMBER KIM?

Kim: DO WE HAVE TO DO SECOND AND THIRD READING NEXT THURSDAY TOGETHER? CAN WE DO IT JUST ON SECOND READING IF WE FEEL THAT WE HAVE TO DO IT AT THE SAME TIME IN THE SAME --

YES, BECAUSE YOU ARE GOING TO COME IN WITH THE 12 DAY PERIOD THAT YOU HAVE TO BE WITHIN. UNDER THE STATUTE. SINCE THERE'S NO COUNCIL MEETING THE NEXT WEEK, YOU WOULD HAVE TO DO SECOND AND THIRD READING NEXT WEEK.

Kim: OKAY. THANKS.

Mayor Wnn: AND AGAIN THE -- THE EARLIER PRESENTATION, THE INITIAL PRESENTATION BY STAFF WE TALKED ABOUT AT COUNCILMEMBER MCCRACKEN AND OUR DUNKERLY ALSO TALKED ABOUT THE CHALLENGE OF WHAT WILL BE OUR HARDSHIP OR VARIANCE PROCESS DURING THESE INTERIM RULES. AND I GUESS THE REQUEST WAS MADE ESSENTIALLY TO SPEED UP THAT FORMAT. HAVE WE -- HAVE WE FOUND OUT ANYTHING IN THE LAST COUPLE OF HOURS THAT WE HAVE A LITTLE MORE GUIDANCE AS TO WHAT WE CAN DO TO STRUCTURALLY MAKE THAT PROCESS EASIER FOR FOLKS WHO ARE GOING TO BE CONFUSED BY THE ACTION AND/OR REALISTICALLY HAVE IN SOME FORM OR FASHION HAVE BEGUN A PROJECT AND, YOU KNOW, ARE GOING TO NEED TO KNOW FROM US ABOUT -- FRANKLY WITHOUT THEM HAVING TO SPEND A BUNCH OF MONEY AND/OR TIME AND EFFORT, YOU KNOW, GET AN ANSWER FROM THIS COUNCIL AS TO HOW WE WILL GAUGE THE LEGAL OF HARDSHIP FOR PROJECTS, FOR -- YOU KNOW, FOR EXPENSES AND EFFORT BEGUN THAT -- THAT WON'T ESSENTIALLY BE A -- BE A BUILDING PERMIT IN THE NEXT FEW DAYS.

WELL, THE -- THE ONLY DIFFICULT THING WITH STREAMLINING THE PROCESS IS THAT THERE HAS TO BE A PUBLIC HEARING BEFORE THE COUNCIL. THE DIRECTOR HAS TO MAKE THE RECOMMENDATION TO THE COUNCIL ON EACH APPLICATION FOR A WAIVER. SO -- SO THAT WOULD REALLY BE UP TO THE COUNCIL AND THE DIRECTOR, STAFF, TO TRY TO -- TO STREAMLINE THAT PROCESS. BUT THERE DOES HAVE TO BE A PUBLIC HEARING.

MAYOR WHAT WE WILL HAVE FOR YOU NEXT WEEK THE NARROWEST TIME LINE THAT WE CAN GET YOU FROM THE TIME THAT SOMEONE SUBMITS A REQUEST FOR A WAIVER UNTIL THE TIME THAT IT COMES BEFORE YOU. WE CAN GET NOTICE PUBLISHED FAIRLY QUICKLY. I AM PRETTY SURE WE CAN SHAVE THAT FIVE WEEK ESTIMATE DOWN.

Mayor Wynn: GOOD. FURTHER COMMENTS, QUESTIONS? IF NOT I'LL -- I'LL ENTERTAIN A MOTION. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I'LL MOVE APPROVAL OF THE INTERIM ORDINANCE ON FIRST READING WITH THE MORATORIUM TO GO INTO

EFFECT IN ABOUT 34 MINUTES. AT 12:01 ON -- [APPLAUSE]
ON FRIDAY.

Dunkerly: I SECOND THAT.

COUNCILMEMBER LEFFINGWELL, WE ALSO NEED TO
INCLUDE THE ONE NEW FINDING. THE REMAINING PORTION --
THAT GOES WITH -- WITH NUMBER -- PART [INDISCERNIBLE]
WHICH WOULD STATE THE REMAINING PORTION OF THE
CAPACITY, IF ANY, IN THE DRAINAGE SYSTEM, THE OLDER
NEIGHBORHOOD IS COMMITTED TO THE REDEVELOPMENT.

Leffingwell: THE ADDED SENTENCE THAT WE DISCUSSED
EARLIER AND -- AND MY MOTION IS AMENDED TO INCLUDE
THAT SENTENCE. IN FINDING -- WHAT'S THE NUMBER OF IT?

NUMBER -- PART 1, NUMBER 5.

PART 1, NUMBER 5 TO READ THE REMAINING PORTION OF
THE CAPACITY, IF ANY, IN THE DRAINAGE SYSTEM IN THE
OLDER NEIGHBORHOOD IS COMMITTED TO
REDEVELOPMENT. --

AND DO YOU WISH TO CLOSE THE PUBLIC HEARING, SIR.

Leffingwell: I THOUGHT OUR UNDERSTANDING -- LET ME ASK A
QUESTION ABOUT THAT. OUR UNDERSTANDING IN THE
BEGINNING WAS THAT WE WERE NOT GOING TO CLOSE THE
PUBLIC HEARING BECAUSE WE ARE GOING TO LIMIT DEBATE.
BUT NOW IN -- IT APPEARS PERHAPS THAT EVERYONE HAS
SIGNED UP HAD A CHANCE TO SPEAK, IS THAT CORRECT?

Mayor Wynn: THAT'S NOT CORRECT, COUNCILMEMBER.

I RETRACT MY STATEMENT.

PARDON ME?

I RETRACT MY STATEMENT.

SO -- SO THE MOTION DOES NOT INCLUDE A -- A -- A CLOSING
THE PUBLIC HEARING.

OKAY. SO I AM -- I BELIEVE WE CAN LEAVE THE PUBLIC HEARING OPEN AND TAKE ACTION ON FIRST READING. THAT ADDITIONAL FINING WAS NOT IN -- FINDING WAS NOT IN PLACE OF NUMBER 5. IT WAS MEPTS TO BE PLACED AFTER NUMBER 5.

IT IS PART OF NUMBER 5. COMES DIRECTLY AFTER THE FIRST SENTENCE IN NUMBER 5.

OKAY. THANKS FOR CLARIFYING THAT.

Alvarez: MAYOR, I THINK -- I THINK THIS IS A, YOU KNOW, A COMPLEX ISSUE. LIKE MANY FOLKS SAID THAT WE HAVE BEEN HEARING ABOUT FOR A LONG TIME. AND WE'VE -- WE'VE UNDERTAKEN, YOU KNOW, SIMILAR PROCESS TO ADDRESS SUPER DUPLEX, SUPER TWO ISSUES. BECAUSE WE HAVE GONE THROUGH THAT PROCESS AND BECAUSE WE HAVE COMPATIBILITY STANDARDS, YOU KNOW, BETWEEN RESIDENTIAL AND NON-RESIDENTIAL, USES, AND THAT'S THIS ISSUE IS COMPATIBLE ISSUES, WHAT KIND OF COMPATIBILITY STANDARDS SHOULD WE HAVE WITH RESIDENTIAL USES WHAT OUR CODE SIMPLY ADDRESSES IS RESIDENTIAL AND NON-RESIDENTIAL. LOOKING AT THOSE EXISTING COMPATIBILITY STANDARDS WITH -- WITH SOME OF THE TOOLS WE HAVE CREATED THROUGH THE SUPER DUPLEX AND SUPER TWO PROCESS, WILL HELP US GET TO A -- TO YOU KNOW A SOLUTION MORE QUICKLY HOPEFULLY THAN MAYBE SOME OF US -- BELIEVE THAT A PUBLIC PROCESS COULD YIELD. SO I'M HOPEFUL THAT IT CAN BE A PRETTY, YOU KNOW, PRETTY QUICK PROCESS AS WE TRY TO DEFINE. BUT I'M -- I REALLY DO BELIEVE, YOU KNOW, THAT THIS IS AN ISSUE THAT WE NEED TO TACKLE. IT SEEMS LIKE, YOU KNOW, WHEN WE ADDRESS OR ARE ABLE TO FIGURE OUT HOW TO CLOSE ONE LOOPHOLE, ANOTHER LOOPHOLE IS IDENTIFIED. SO I THINK THAT COUNCILMEMBER MCCracken SAYS WHEN WE IDENTIFY THE ISSUE, WE NEED TO IF GOOD FAITH TRY TO MOVE FORWARD AND FIGURE OUT HOW TO ADDRESS THAT ISSUE IN THE BEST INTERESTS OF THE COMMUNITY. THIS IS JUST THE BEGINNING OF THE PROCESS ALREADY THE CURRENT REGULATIONS ALREADY ADDRESSED SOME OF THE EARLY COMMENTS THAT WE RECEIVED ABOUT -- ABOUT YOU KNOW THIS KIND OF EFFORT TO ADDRESS THIS PARTICULAR ISSUE AND SO I THINK A LOT

OF THE FOLKS WHO EXPRESSED CONCERNS ABOUT THEIR INDIVIDUAL PROJECTS WILL PROBABLY FIND THAT THEY ARE NOT AFFECTED BY WHAT IS PROPOSED HERE. BUT VERY IMPORTANT BETWEEN NOW AND NEXT WEEK IS THOSE FOLKS WHO ARE POTENTIALLY AFFECTED BY THIS, YOU KNOW, THERE'S -- THERE'S SPECIAL CIRCUMSTANCES THAT WE SHOULD CONSIDER AND SOMEHOW INCORPORATE HERE, THAT'S WHAT WE NEED TO HEAR ABOUT. LIKE I MENTIONED EARLIER, IT'S THOSE EXISTING STRUCTURES THAT ARE BETWEEN 2,000 AND 2500 SQUARE FEET THAT COULD POTENTIALLY BE AFFECTED BY THE -- BY WHAT -- BY THESE INTERIM REGULATIONS. SO AGAIN ANY SPECIFIC EXAMPLES THAT FOLKS CAN PROVIDE ABOUT HOW THIS -- HOW THIS MAY AFFECT THOSE PARTICULAR SITUATIONS WOULD BE HELPFUL BECAUSE NOW AND NEXT WEEK, BUT I BELIEVE THAT WE HEARD FROM SOME FOLKS EARLIER, SAW SOME GREAT PHOTOGRAPHS OF INFILL DEVELOPMENT AND THAT REALLY FIT IN NICELY WITHIN THE NEIGHBORHOODS, BUT AGAIN THERE'S OTHER FOLKS WHO, YOU KNOW, WHO MAYBE AREN'T AS CONCERNED ABOUT -- ABOUT NEIGHBORHOOD IMPACTS OR NEIGHBORHOOD COMPATIBILITY AND SO THAT'S REALLY KIND OF WHAT'S -- WHAT'S KIND OF GOT US TO THIS POINT AND THAT WE HAVE -- YOU KNOW, WE HAVE -- AGAIN WE WANT TO WORK WITH EVERYONE WHO IS INTERESTED AND WHO CAME OUT TODAY AND WHO WANTS TO BE INVOLVED IN THIS TO HELP US IDENTIFY HOW TO ADDRESS THIS PARTICULAR ISSUE. BUT -- BUT I DO BELIEVE THAT -- THAT AGAIN AS WAS STATED EARLIER THAT THERE IS A -- YOU KNOW, A DRAINAGE CONCERN IN THESE NEIGHBORHOODS LIKE WE HEARD FROM A LOT OF THE SPEAKERS. WE GO FROM A THOUSAND SQUARE FOOT FOOTPRINT TO A 2,000 SQUARE FOOT FOOTPRINT, THAT VERY CLEARLY IS GOING TO HAVE A DRAINAGE IMPACT. THAT'S AGAIN ONE OF THE ISSUES THAT WE ARE TRYING TO ADDRESS. BUT THE OTHER, YOU KNOW, COMMENT THAT I WANTED TO MAKE WAS JUST ABOUT THIS - - HOW WE OFTEN WE HEAR A LOT OF PEOPLE REFER TO ENVISION CENTRAL TEXAS AND SOMEHOW HOW THAT MEANS WE SHOULD NOT SAY NO TO ANY NEW DEVELOPMENT IN THE URBAN AREAS OR IN THE URBAN CORE. BUT I THINK PEOPLE OFTEN FORGET THAT THAT'S NOT THE ONLY THING ENVISION CENTRAL TEXAS HAS IN ITS

VISION. YOU KNOW THE SECTION IN THE VISION DOCUMENT FOR ENVISION CENTRAL TEXAS SAYS THE SECTION THAT SAYS WHAT WILL CENTRAL TEXAS LOOK LIKE ON THE GROUND, ONE OF THE -- ONE OF THE GOALS OR ONE OF THE VISIONS IS THAT THE URBAN -- THAT URBAN NEIGHBORHOOD AND RURAL CHARACTER HAS BEEN PRESERVED. A DIFFERENT SECTION THAT SAYS WHAT WILL BE THE OUTSTANDING FEATURES OF CENTRAL TEXAS SAYS THAT THE PROTECTION AND ENHANCEMENT OF OUR NEIGHBORHOODS, TOWNS, RURAL AREAS, HISTORIC SITES AS WELL AS THE PROTECTION AND ENHANCEMENT OF SPECIAL SENSE OF PLACE IS -- IS SOMETHING THAT -- THAT IS AN OUTSTANDING FEATURE OF CENTRAL TEXAS AND UNDER THAT PARTICULAR SECTION IT SAYS THAT WE SHOULD STRIVE TO UNDERSTAND, APPRECIATE, PROTECT AND MAINTAIN THE UNIQUE FEATURES, NEIGHBORHOODS, HISTORIC STRUCTURES AND CULTURAL CHARACTERISTICS OF OUR CITIES AND COMMUNITIES AND THE CHOICES AND OPTIONS THAT THEY OFFER. RLT THAT VISION ARTICULATED IN ENVISION CENTRAL TEXAS IS A VISION OF BALANCE BETWEEN ALL OF THESE COMPETING ISSUES AND INTERESTS AND THAT'S WHAT WE ARE LOOKING TO ACHIEVE IN THIS PARTICULAR -- IN THIS PARTICULAR CASE, THIS PARTICULAR ISSUE THAT'S BEFORE US, WE ARE TRYING TO FIGURE OUT HOW TO ACHIEVE BALANCE AND AGAIN THIS INTERIM -- THESE INTERIM REGULATIONS ARE A FIRST STEP AND WE NEED EVERYBODY'S INVOLVEMENT TO MAKE SURE THAT WHAT WE DEVELOP IS -- IS THE BEST, YOU KNOW, SET OF RULES AND REGULATIONS POSSIBLE. THANK YOU, MAYOR, I DO WANT TO THANK THE SPONSORS FOR BRINGING THIS FORWARD. REALLY I THINK FOR -- FOR -- FOR MAKING THE KIND OF CHANGES AND RESPONSE -- IN RESPONSE TO THE PUBLIC INPUT THAT WE HAVE ALREADY RECEIVED AND TRYING TO BE RESPONSIVE IN TERMS OF THE -- OF THE CONCERNS THAT HAVE BEEN RAISED IN THIS, YOU KNOW, SHORT PERIOD OF TIME THAT -- THAT THIS HAS BEEN DEBATED. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBERS. SO MS. -- MS. HUFFMAN, COULD YOU REMIND US SO -- SO WHAT ARE THE NEXT STEPS? WHAT HAPPENS NEXT WEEK, FOR THE POLICE AND BACK HERE.

MAYOR, IF THIS PASSES ON FIRST READING TONIGHT, FOUR THINGS WILL HAPPEN. THE FIRST THING THAT WILL HAPPEN IN ABOUT 25 MINUTES THE INTERIM REGULATIONS WILL GO INTO EFFECT. THEY WILL BE IN EFFECT UNTIL NEXT WEEK WHEN YOU WILL ADOPT THEM ON SECOND AND THIRD READING AND YOU CAN ACCEPT THEM AS THEY ARE ON THE TABLE THIS EVENING OR ALTER THEM PER THE DISCUSSION THAT'S HAPPENED. THE PLANNING COMMISSION WILL ALSO SEE THE INTERIM REGULATIONS ON THE 14th SO YOU WILL HAVE THEIR COMMENTS ON THAT BEFORE YOU HEAR IT ON SECOND AND THIRD READING. THE SECOND THING IS AS PARTS OF THIS ORDINANCE YOU ARE DIRECTING US TO BRING BACK PERMANENT REGULATIONS NO LATER THAN MAY 7th. THE THIRD THING IS THAT YOU HAVE GIVEN US SOME ADDITIONAL DIRECTION THIS EVENING TO PUT TOGETHER THE QUICKEST WAIVER PROCESS POSSIBLE SO THAT PEOPLE WHO BELIEVE THEY DO QUALIFY FOR THE WAIVER CAN GET BEFORE THE STOP YOU AS QUICKLY AS POSSIBLE. THEN UP ALSO ASKED US TO PUT TOGETHER A STAKEHOLDER PROCESS THAT INCLUDES A TASK FORCE, OPPORTUNITIES FOR BROAD STAKEHOLDER INPUT, A GOOD INTERACTIVE WEBSITE AND OTHER FORMS OF COMMUNICATIONS THAT WE CAN MAKE SURE THAT THE PUBLIC STAYS INFORMED ON THE PROGRESS OF THE PERMANENT REGULATIONS.

Mayor Wynn: THANK YOU. SO FURTHER COMMENTS?
COUNCILMEMBER KIM?

Kim: WELL, I THINK THAT WE HAVE A VERY GOOD COLLECTION OF PHOTOS FOR THE TASK FORCE TO GET STARTED ON. WHAT IS A McMANSION, WHAT ISN'T. BUT I THINK THAT WITH THE EXPLANATION WHAT WAS WE CAN DO BETWEEN FIRST AND SECOND AND THIRD READING THAT I WILL BE COMFORTABLE IN SUPPORTING THE MOTION RIGHT NOW. SO WE WILL GET SOME FEEDBACK AND IF THERE ARE SOME THINGS THAT WE NEED TO REVISIT THEN I HOPE THAT WE WILL BE OPEN TO THAT NEXT TIME. OKAY.

Mayor Wynn: A COUPLE QUESTIONS. ONE I WANT TO SAY THAT -- THAT IT'S UNFORTUNATE, I'M DISAPPOINTED THAT FOR THE LEGISLATIVE AND LEGAL PROCESS REQUIRES -- EVEN THE TERM MORATORIUM. SEEMS TO ME WHAT IS

HAPPENING IS WE ARE -- WE ARE CHANGING THE PARAMETERS, CHANGING THE RULES AND MORATORIUM TO ME IMPLIES THAT WE ARE NOTHING WILL GET BUILT FOR SOME PERIOD OF TIME. WHEREAS I THINK THIS COUNCIL IS SAYING THAT PROJECT THAT ARE IN THE WORKS WILL CONTINUE AND THIS IS -- JUST AS IMPORTANTLY THOSE PROJECTS THAT -- THAT SO MANY PROJECTS WILL IN FACT COMPLY WITH THE -- WITH THESE NEW RULES FOR WHATEVER PERIOD OF TIME WE HAVE THEM. BUT SO -- SO ON THE CONCEPT OF MORATORIUM, ALTHOUGH I HATE THAT TERM, SO -- SO ESSENTIALLY THAT THOSE GO INTO EFFECT HERE IN 20 MINUTES. BUT IT'S QUITE POSSIBLE THAT THERE'S SOME CHANGES ON SECOND AND THIRD READING NEXT THURSDAY SO IN A SENSE THERE MIGHT BE A -- A SET OF RULES FOR THIS COMING WEEK, THEN I GUESS IMMEDIATELY BEGINNING AFTER THAT NEXT THURSDAY'S MEETING, FOR EXAMPLE IF FAR'S ARE CHANGED A LITTLE BIT, EVEN IF IMPERVIOUS COVER IS INSERTED OR IF WE WORK ON THE CONCEPT OF DUPLEXES OR ANYTHING ELSE, THOSE WILL BE THE RULES WILL BE IN PLACE THROUGH THE MAY 7th DATE.

ACTUALLY THE TRUTH IS THAT THE TEMPORARY MORATORIUM IS ONLY GOING TO BE FOR TOMORROW THROUGH NEXT THURSDAY. AFTER THAT IT'S CONSIDERED A PERMANENT MORATORIUM EVEN THOUGH IT'S NOT REALLY PERMANENT. IT GOES ON FOR 120 DAYS AT THE LONGEST, UNLESS IT'S EXTENDED.

OKAY.

Mayor Wynn: OKAY. AGAIN SO THE PLANNING COMMISSION ON TUESDAY, THEY ARE GOING TO POST THIS LIKE -- LIKE A TYPICAL PUBLIC HEARING. THEY WILL TAKE CITIZENS COMMENTS ON TUESDAY, GIVE US A RECOMMENDATION FOR NEXT THURSDAY.

THAT'S CORRECT.

Mayor Wynn: OKAY. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE. I WANT TO SAY THANK YOU TO ALL OF THE FOLKS WHO SHOWED A LOT OF FLEXIBILITY TONIGHT. ESPECIALLY A LOT OF PEOPLE, HUNDREDS OF

PEOPLE CAME AND SIGNED UP TO SPEAK. WE ONLY HEARD FROM A PORTION OF THOSE. WE TRIED TO, YOU KNOW, KEEP SORT OF A BALANCED FORMAT. I PERSONALLY APPRECIATE THE FLEXIBILITY AND PATIENCE SHOWN BY FOLKS TONIGHT. SO PLENTY OF OPPORTUNITY OVER THIS IMPORTANT WEEK COMING UP. BUT -- BUT MORE IMPORTANT TO ME AT LEAST THERE'S GOING TO BE I HOPE BASED ON THE STAKEHOLDER PROCESS THAT WE WILL SOCIETY UP NEXT WEEK, A LOT OF LONG-TERM OPPORTUNITY FOR PEOPLE TO REALLY HELP US DEAL WITH WHAT I THINK IS THE -- THE ISSUE AT HAND, WHICH IS JUST COMPATIBILITY. AND HOWEVER WE DEFINE THAT AND WHATEVER PARTS OF THE LAND DEVELOPMENT CODE WE USE TO -- TO CONTROL IT AND BUILD PARAMETER AROUND IT, WE HAVE GOT TO COME UP WITH A WAY TO HAVE COMPATIBLE DEVELOPMENT, AGAIN OUR NEIGHBORHOODS. SO THANK YOU ALL FOR THE FLEXIBILITY AND STAY TUNED. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM 35 ON FIRST READING. WITH SOME ADDITIONAL FINDING LANGUAGE INSERTED. TECHNICALLY WE ARE NOT CLOSING THE PUBLIC HEARING, IT WILL BE CONTINUED TO THURSDAY THE 16th. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. [APPLAUSE] SHIRLEY, THAT'S ALL OF OUR ITEMS.

THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED AT 11:43 P.M.

End of Council Session Closed Caption Log